

# Missouri Sentencing Advisory Commission

## Recommended Sentencing

Biennial Report 2007

As required by 558.019.6 RSMo.



September 19, 2007

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## **Sentencing Advisory Commission Members**

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Larry J. Joiner.	Private Citizen
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Robert Robinson	Board of Probation and Parole
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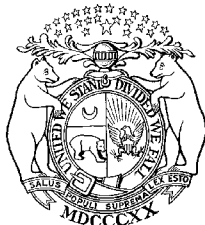
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Chairman



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State of Missouri  
**Sentencing Advisory Commission**

September 19, 2007

The Honorable Matt Blunt  
Governor of Missouri  
Room 216, State Capitol Building  
Jefferson City MO 65101

The Honorable Rod Jetton  
Speaker of the House  
Room 308, State Capitol Building  
Jefferson City MO 65101

The Honorable Michael Gibbons,  
President, *pro tempore*, Senate  
Room 107, State Capitol Building  
Jefferson City, MO 65101

**Re: Biennial Report of the Missouri Sentencing Advisory Commission**

Dear Sirs:

On behalf of the Missouri Sentencing Advisory Commission, I am pleased to send you the Commission's Biennial Report 2007, pursuant to section 558.019.6. The Report includes sentencing data through the end of fiscal year 2007 and statutory changes effective August 28, 2007. The Report is accompanied by a Users' Guide which contains the Commission's System of Recommended Sentencing.

The data in this Report show that public safety – the commission's primary goal – has been enhanced through the system of recommended sentences, especially since 2005 when probation officers on a statewide basis began presenting pre-sentence information to courts and attorneys in the Sentencing Assessment Reports.

The Commission commends the research staff of the Department of Corrections and its manager, David Oldfield, for the great work in producing this Report. The Reports data display the successful results of cooperation among the Department of Corrections, the

Board of Probation and Parole, and the Judiciary. We are grateful for the continuing support of Director Larry Crawford, the Board of Probation and Parole, including chief probation supervisor Scott Johnston and the dedicated men and women who serve as probation and parole officers.

The Report contains the Commission's first study of recidivism (pages 42-46) under the commission's system of recommended sentences, which is based in part upon analysis of risk factors. The sentencing recommendations, in the large number of cases where the courts follow them, are shown to result in lower rates of recidivism:

"When the recommended sentence is probation and the actual sentence is also probation, which occurs in 77% of probation recommended sentencing, the recidivism rates are low. When the recommended sentence is Probation and the actual sentence is Prison then the recidivism rates are much higher, whether measured by new incarcerations or new convictions and the rates are similar to the recidivism rates for prison sentences. When the actual sentence is Probation and the recommended sentence is Prison, which occurs in 31% of prison recommended sentencing, the recidivism rates are also high." (Page 46)

These data also show the importance of the work of the Department of Corrections in developing effective community supervision strategies and community-based programs for less dangerous offenders.

Since the statewide implementation of the Sentencing Assessment Reports, which incorporate the Commission's recommendations, the prison population – as well as the recidivism rates of offenders released since implementation – has declined. The Report notes the reversal of the upward trend in prison population that started in November 2005 when the Sentencing Assessment Reports were implemented throughout the state:

"The low growth in the institutional population that coincided with the statewide implementation of the sentencing

assessment report (SAR) continued in FY07. The decrease in the prison population is in large part attributed to the reduction in new prison admissions in both FY06 and FY07. The expectation by the Commission when the Recommended Sentences were published was that the recommended sentences should encourage the courts to increase the referral rate for 120 day shock and treatment programs under 559.115 RSMo. and reduce prison sentencing for nonviolent offenders with little prior criminal history. At the end of July 2007 the population was 695 below the population on November 1, 2005 when the SAR was introduced. In the fiscal

**Institutional Population Growth in July 05 to July 07  
SAR introduced November 2005**

	Population	Change	Rate Per Day	Cum. From Oct. 2005
Jul-05	30,359	140	4.52	
Aug-05	30,416	57	1.84	
Sep-05	30,531	115	3.83	
Oct-05	30,654	123	3.97	
Nov-05	30,507	-147	-4.90	-4.90
Dec-05	30,446	-61	-1.97	-3.41
Jan-06	30,380	-66	-2.13	-2.98
Feb-06	30,142	-238	-8.50	-4.27
Mar-06	30,210	68	2.19	-2.94
Apr-06	30,123	-87	-2.90	-2.93
May-06	30,051	-72	-2.32	-2.84
Jun-06	30,162	111	3.70	-2.03
Jul-06	30,156	-6	-0.19	-1.82
Aug-06	30,206	50	1.61	-1.47
Sep-06	30,304	98	3.27	-1.05
Oct-06	30,171	-133	-4.43	-1.32
Nov-06	30,189	18	0.60	-1.18
Dec-06	30,135	-54	-1.80	-1.22
Jan-07	30,056	-79	-2.55	-1.31
Feb-07	29,895	-161	-5.75	-1.56
Mar-07	29,971	76	2.53	-1.33
Apr-07	30,049	78	2.60	-1.11
May-07	29,991	-58	-1.87	-1.15
Jun-07	29,943	-48	-1.60	-1.17
Jul-07	29,960	17	0.55	-1.09

year that preceded implementation the prison population increased by 855. The Department of Justice, Bureau of Justice Statistics, reported in June 2007 that, while nationally the prison population increased by 3.0% in FY06, Missouri had largest percentage reduction of 2.9%. The Department of Corrections also attributes the reduction in the prison population to lower recidivism rates because of the success of newly introduced reentry programs and to revised probation and parole supervision practices.” (Report, pages 2-3)

The Commission’s recommended sentences are based upon recent sentencing practices of Missouri’s judges. The information that probation officers convey to courts and attorneys in the Sentencing Assessment Reports includes (1) analysis of risk factors for the offender, (2) supervision and offender management strategies for community-based sanctions or for prison-based programs, (3) the recommended sentences for the individual, and, where prison is possible, (4) disclosure of the Parole Board’s guidelines and practices for paroling offenders in that category.

The Department of Corrections also is training probation officers in using the STATIC-99, a risk assessment method for sex offenders so that judges can be better informed in sentencing in such cases. The Report contains a study of recidivism rates and the STATIC-99 on Missouri offenders who had been assessed while in prison and have since been released. It is important that the use of such risk analysis instruments be studied on Missouri offenders to assure that it can provide useful information on our populations. It is anticipated that the STATIC-99 instrument will be in use in the preparation of Sentencing Assessment Reports sometime this fiscal year.

The Commission believes these cooperative efforts are creating an effective and coherent system of sentencing that will enhance public safety and promote the wise use of Missouri’s correctional resources. If you would like further information on the matters covered in this Report, or on the work of the Commission, please feel free to call upon us.

Sincerely,

Judge Michael A. Wolff, Chair

cc: Adam Crumbliss, Chief Clerk, Missouri House of Representatives  
Terry Spieler, Secretary to the Senate

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## **PREFACE**

The Sentencing Advisory Commission is pleased to report on the continuing success of the system of the Recommended Sentences that the Commission introduced in June 2004. This is our third statutorily required report under Section 558.019.6(5) RSMo.

In cooperation with the Department of Corrections, the Commission has conducted two annual reviews of its recommended sentences and has maintained regular meetings of commission members and professional staff members of the Department of Corrections and the Office of the State Courts Administrator.

With the publication of a Recommended Sentences User Guide by the Commission it has been possible to reduce the content of the Biennial Report. The report covers the activity of the Commission and the changes to the Recommended Sentences since the last report in June 2005. The statistics on sentencing disparity and the death penalty included in previous reports have been updated and there are, in addition, two reports on special research subjects initiated by the Commission: a recidivism study of the STATIC-99 sex offender assessment and a recidivism study of the recommended sentences using historical data.

## COMMISSION PROGRESS REPORT ON THE RECOMMENDED SENTENCES

### 1. Changes to the Recommended Sentences

The Commission's Recommended Sentences were first published in June 2004 and implemented during 2005. At the end of the 2006 legislative session the Commission reviewed the compliance statistics and decided to revise the Recommended Sentences for some violent and sex and child abuse offenses. The changes were detailed in the 2006 User Guide. The compliance review at the end of the 2007 legislative session indicated that no further changes to the sentencing matrix were required to ensure that the recommended sentences reflect Missouri sentencing practices. The User Guide for 2007/2008 following the completion of the 2007 legislative session, is being published simultaneously with the Biennial Report. The average sentence analysis by Missouri charge code upon which the offense severity is calculated is included as Appendix A and the 2007 Recommended Sentence Matrices are included as Appendix B.

### 2. Impact of the Recommended Sentences upon the Prison Population

The low growth in the institutional population that coincided with the statewide implementation of the sentencing assessment report (SAR) continued in FY07. The decrease in the prison population is in large part attributed to the reduction in new prison admissions in both FY06 and FY07. The expectation by the Commission when the Recommended Sentences were published was that the recommended sentences should

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encourage the courts to increase the referral rate for 120 day shock and treatment programs under 559.115 RSMo. and reduce prison sentencing for nonviolent offenders with little prior criminal history. At the end of July 2007 the population was 695 below the population on November 1, 2005 when the SAR was introduced. In the fiscal year that preceded implementation the prison population increased by 855. The Department of Justice, Bureau of Justice Statistics, reported in June 2007 that, while nationally the prison population increased by 3.0% in FY06, Missouri had largest percentage reduction of 2.9%. The Department of Corrections also attributes the reduction in the prison population to lower recidivism rates because of the success of newly introduced reentry programs and to revised probation and parole supervision practices.

### 3. Court use of the Recommended Sentences

Since the statewide implementation of the Board of Probation and Parole's Sentencing Assessment Report (SAR) in November 2005 the Recommended Sentences have been included in all pre-sentence assessments requested by the courts. To the end of June 2007 there have been over 12,000 SARs requested by the courts.

#### **SAR Requests**

FY2005	538
FY2006	5,097
FY2007	6,458
	12,093

There has been a modest reduction in the time taken complete the SAR by the probation and parole officer compared to the time taken to complete the old Pre-Sentence Investigation (PSI). The SAR is a shorter, more structured report.

#### **PSI and SAR Requests January 2005 to July 2007 Average Completion Time**

PSI	42 days
SAR	37 days

In the year following the introduction of the SAR there was an increase in the rate at which pre-sentence assessments were requested by the courts compared to the year prior to the introduction of the SAR (FY05). In FY07 the percentage of sentences where an assessment was requested was the same as in FY05 (24.6%).

#### **Pre-Sentence Assessments and New Felony Sentences**

	SARs/ PSIs	Sentences	Percent of Sentence
FY2005	6,285	25,598	24.6%
FY2006	7,030	26,470	26.6%
FY2007	6,413	26,102	24.6%

#### 4. Court Compliance with the Recommended Sentences

The court compliance with the Recommended Sentences is based upon the actual sentences of offenders received by the DOC following a court request for a SAR. On July 20th, 2007 there were 8,267 completed SARs with the actual sentence handed down by the courts.

Compliance with the Recommended Presumptive Sentence is 60.7% and 80.2% with the Recommended Sentence range from Mitigating to Aggravating.

##### **Compliance with the Recommended Sentences July 20, 2007**

Below Mitigating	4.8%
Mitigating to Presumptive	9.4%
Presumptive	60.7%
Presumptive to Aggravating	12.1%
Above Aggravating	13.0%

The overall picture indicates that the actual sentence is sometimes more severe than the recommended presumptive sentence. For all offenses there are 7.1 % fewer probation/CSS sentences than recommended and 3.9% more prison sentences than recommended.

##### **Presumptive Recommended Sentence and Actual Sentence**

<b>Disposition</b>	<b>Recommended Presumptive Sentence</b>		<b>Actual Sentence</b>		<b>Difference %</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Probation or CSS	5,800	70.2%	5,210	63.0%	-7.1%
Shk/Trt	1,052	12.7%	1,317	15.9%	3.2%
Prison	1,415	17.1%	1,740	21.0%	3.9%
Total	8,267	100.0%	8,267	100.0%	0.0%

The analysis by offense group indicates that violent and sex offenses are more likely to receive a more severe sentence than the recommended presumptive sentence.

- Violent offenses: Prison sentences are 6.8% higher
- Sex offenses: Prison sentences are 15.3% higher
- For Drugs, DWI and Non-violent offenses the differences are from 4.6% to – 2.7%.

**Presumptive Recommended Sentence and Actual Sentence  
By Offense Group**

	Recommended Presumptive Sentence	Actual Sentence	Difference
<u><i>Violent</i></u>			
Probation or CSS	51.1%	38.9%	-12.2%
120day Shock	11.1%	16.4%	5.4%
Prison	37.8%	44.6%	6.8%
Total	100.0%	100.0%	0.0%
<u><i>Sex &amp; Child Abuse</i></u>			
Probation or CSS	48.5%	35.3%	-13.2%
120day Shock	9.5%	7.4%	-2.1%
Prison	42.0%	57.4%	15.3%
Total	100.0%	100.0%	0.0%
<u><i>Non-Violent</i></u>			
Probation or CSS	78.9%	71.6%	-7.4%
120day Shock	9.8%	12.5%	2.7%
Prison	11.3%	16.0%	4.6%
Total	100.0%	100.0%	0.0%
<u><i>Drug</i></u>			
Probation or CSS	74.5%	70.5%	-4.0%
120day Shock	14.8%	16.6%	1.8%
Prison	10.7%	12.9%	2.2%
Total	100.0%	100.0%	0.0%
<u><i>DWI</i></u>			
Probation or CSS	61.7%	54.0%	-7.7%
120day Shock	19.6%	30.0%	10.4%
Prison	18.7%	16.0%	-2.7%
Total	100.0%	100.0%	0.0%

**5. Compliance and the Recommended Mitigating, Presumptive and Aggravating Range**

The recommended sentence is more than just the Presumptive sentence. In the SAR the court are also given a mitigating and aggravating sentence. The following analysis compares the actual sentence to the range from Mitigating to Aggravating. The decision whether an actual sentence is within the range or outside the range is based upon the disposition when the recommended sentence was probation, CSS or Shock/Treatment. If the recommended sentence was a prison sentence then the compliance decision is based upon whether the actual prison sentence was within or outside the recommended sentence range.

The overall picture is that 82.2% of sentences are within the Mitigating to Aggravating range. There were 4.8% below the mitigating sentence and 13.0% above the aggravating sentence. When the actual sentence was prison the compliance percent is much lower (42.8%) and 53.9% of sentences were over the Recommended Aggravating sentence.

# **ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE**

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Prison	58	3.3%	745	42.8%	937	53.9%	1740	100.0%
120day Shock	125	9.5%	1056	80.2%	136	10.3%	1317	100.0%
Probation/CSS	212	4.1%	4998	95.9%	0	0.0%	5210	100.0%
Total	395	4.8%	6799	82.2%	1073	13.0%	8267	100.0%

A prison sentence can be above the aggravating sentence because either the recommended aggravating sentence was a non-custodial sentence (probation, CSS or SHK/TRT) or the sentence was longer then the aggravating sentence. From the results of the SARs to July 27<sup>th</sup> 2007 36.4% are over the aggravating sentence because the recommended aggravating sentence was non-custodial and 63.6% because the prison sentence was longer than the aggravating sentence. The average difference between the aggravating sentence and the actual sentence is 3.8 years. For violent and sex offenses the difference is about 5.5 years and for nonviolent offenses the difference is less than 2 years.

Offense Group	Recommended Aggravating Sentence			Percent Not Prison	Average Aggravating Sentence	Average Actual Sentence
	Probation or CSS or Shk/Trt	Prison Sentence	Total			
Violent	-	213	213	0.0%	8.3	12.8
Sex	-	146	146	0.0%	8.3	13.9
Non-Violent	186	95	281	66.3%	3.7	5.5
Drug	131	88	219	59.8%	5.2	7.9
DWI	24	54	78	30.5%	3.4	5.2
Total	341	596	937	36.4%	6.7	10.5

The analysis by prior criminal history level indicates that 60.9% of level II sentences received a prison sentence when no prison sentence was recommended and the difference between the actual and recommended aggravating prison sentence is greater for offenders in Levels I and II than for offenders with multiple prison incarcerations.

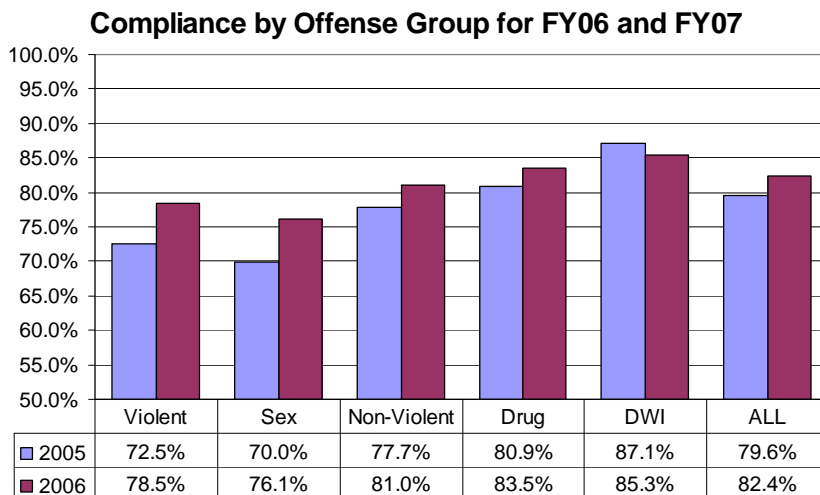
Prior Criminal History Level	Recommended Aggravating Sentence			Percent Not Prison	Average Aggravating Sentence	Average Actual Sentence
	Probation or CSS/Shk Trt	Prison Sentence	Total			
1	155	188	343	45.1%	7.1	12.4
2	160	102	262	60.9%	7.6	12.0
3	27	200	226	11.8%	5.8	8.7
4	0	77	77	0.0%	6.0	8.7
5	0	29	29	0.0%	8.0	10.5
Total	341	596	937	36.4%	6.7	10.5

The analysis by felony class indicates that for Class D offenses many prison sentences are over the aggravating sentence because most of the recommended sentences are non-custodial. For Class A felonies the difference in sentence length is substantial (8.8 years).

Felony Class	Recommended Aggravating Sentence			Percent Not Prison	Average Aggravating Sentence	Average Actual Sentence
	Probation or CSS/Shk Trt	Prison Sentence	Total			
Unclassed	0	14	14	0.0%	7.2	16.8
A	14	119	134	10.7%	16.4	25.2
B	69	116	184	37.3%	7.1	10.8
C	165	281	446	37.0%	3.4	5.4
D	93	66	159	58.4%	2.1	3.6
Total	341	596	937	36.4%	6.7	10.5

#### 6. Compliance by Offense Group for FY06 and FY07

The overall compliance with the Recommended Sentence range (from Mitigating to Aggravating) increased in FY07 compared to FY06, partly as a result of the changes to the recommended sentences in the 2006 User Guide and partly because of greater court compliance. For all sentences the compliance has increased from 79.6% in FY06 to 82.4% in FY07. The compliance has increased for all offense groups with exception of DWI offenses.



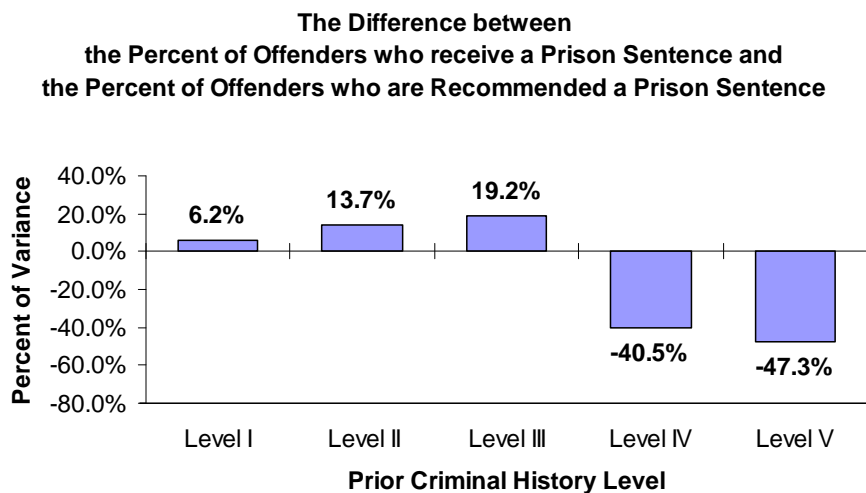
#### 7. Compliance and the Prior Criminal History Level

The recommended sentences increase the severity of the sentence with an increase of the prior criminal history. The SAR data indicates that actual sentencing does reflect an increase in the prior criminal history, particularly the percent prison disposition.

**ACTUAL SENTENCES BY OFFENSE GROUP AND PRIOR CRIMINAL HISTORY**  
**Completed SARs and Offenders received by the DOC, May 2005 to July 20, 2007**

Offense Group	Prior Criminal History				
	Level 1	Level 2	Level 3	Level 4	Level 5
	No felonies & no more than 3 misd	No prison & 1 or 2 felonies	One prison or 3 felonies	Two prison or 4 felonies	3 or more prison or 5 or more felonies
<i>Violent</i>					
Percent of PCHL	58.6%	17.2%	15.4%	4.5%	4.3%
Percent Prison Disposition	33.1%	46.0%	71.2%	68.0%	76.6%
Average Sentence	10.9	12.0	12.0	16.3	15.3
<i>Sex &amp; Child Abuse</i>					
Percent of PCHL	64.9%	17.9%	10.3%	5.0%	1.9%
Percent Prison Disposition	49.5%	63.5%	75.5%	87.5%	88.9%
Average Sentence	10.6	12.7	14.8	9.0	20.5
<i>NonViolent</i>					
Percent of PCHL	54.6%	19.6%	12.3%	6.4%	7.1%
Percent Prison Disposition	5.5%	15.2%	29.3%	45.7%	48.5%
Average Sentence	4.1	4.0	4.0	4.3	4.9
<i>Drug</i>					
Percent of PCHL	54.4%	20.0%	15.0%	5.4%	5.1%
Percent Prison Disposition	3.9%	12.1%	26.4%	34.8%	48.1%
Average Sentence	7.0	6.0	5.9	6.6	7.6
<i>DWI</i>					
Percent of PCHL	44.1%	26.8%	17.6%	5.9%	5.6%
Percent Prison Disposition	3.7%	10.6%	33.1%	43.8%	55.6%
Average Sentence	3.5	4.3	4.2	5.4	4.0
<i>All Offense Groups</i>					
Percent of PCHL	54.6%	20.0%	14.1%	5.6%	5.6%
Percent Prison Disposition	11.8%	19.5%	36.7%	46.3%	52.7%
Average Sentence	9.0	8.1	7.8	7.4	7.7

Compliance, however, varies significantly by the prior criminal history level. Offenders with many prior convictions and incarcerations are likely to receive a more lenient sentence than the recommended presumptive sentence. Offenders with a level 3 history are most likely to be sentenced more severely than the presumptive recommended sentence.



## 8. Compliance By Sentencing County

The metro areas have a lower compliance than the first class counties and the rural counties.

### ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE BY REGIONS

Circuits	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Jackson County	31	9.0%	276	79.8%	39	11.3%	346	100.0%
St. Louis County	16	4.7%	267	78.3%	58	17.0%	341	100.0%
St. Louis City	47	12.5%	292	77.7%	37	9.8%	376	100.0%
Metro	94	8.8%	835	78.6%	134	12.6%	1063	100.0%
First Class	195	4.3%	3784	83.0%	581	12.7%	4560	100.0%
Rural	106	4.0%	2180	82.5%	358	13.5%	2644	100.0%
Total	395	4.8%	6799	82.2%	1073	13.0%	8267	100.0%

Circuits by Region:

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45  
(LS59)

## 9. Which Courts are requesting sentencing assessments (SARs)?

Overall 24.6% of new sentences have a requested a pre-sentence assessment but the rate at which assessments are requested varies greatly around the state. Some counties typically request an assessment for all convictions/guilty pleas while other counties rarely request an assessment or only for serious offenses. The data is a comparison of all new sentences received by the DOC in 2006 and the number of the requested assessments in 2006 by sentencing county

Counties that usually request an assessment (70% of the time or more) include, in descending order, Worth, Mercer, Holt, Jefferson, Clay, Lewis, and Buchanan. The metro areas, Jackson, St Charles, and the St. Louis metro area (City and County), are among the counties that have a low (under 15%) request rate for assessments. The median is 17%.

Utilization of PSI/SAR/Deferred Prosecution Assessments For New Sentencing

County	FY07 New Felony Sentences	FY07 P&P Assessment Request	Percent of New Felony Sentences	County	FY07 New Felony Sentences	FY07 P&P Assessment Request	Percent of New Felony Sentences
Adair	100	56	56.0%	Livingston	72	37	51.4%
Andrew	29	10	34.5%	Macon	99	12	12.1%
Atchison	21	10	47.6%	Madison	31	10	32.3%
Audrain	224	36	16.1%	Maries	20	2	10.0%
Barry	218	27	12.4%	Marion	206	52	25.2%
Barton	82	12	14.6%	Mcdonald	124	5	4.0%
Bates	98	4	4.1%	Mercer	23	19	82.6%
Benton	94	11	11.7%	Miller	149	15	10.1%
Bollinger	51	22	43.1%	Mississippi	113	22	19.5%
Boone	739	451	61.0%	Moniteau	64	11	17.2%
Buchanan	608	449	73.8%	Monroe	44	8	18.2%
Butler	204	31	15.2%	Montgomery	107	6	5.6%
Caldwell	59	24	40.7%	Morgan	117	9	7.7%
Callaway	209	117	56.0%	New Madrid	192	28	14.6%
Camden	258	24	9.3%	Newton	201	38	18.9%
Cape Girardeau	313	132	42.2%	Nodaway	62	37	59.7%
Carroll	39	3	7.7%	Oregon	33	4	12.1%
Carter	27	1	3.7%	Osage	35	8	22.9%
Cass	286	73	25.5%	Ozark	27	4	14.8%
Cedar	83	7	8.4%	Pemiscot	264	45	17.0%
Chariton	32	7	21.9%	Perry	101	50	49.5%
Christian	262	86	32.8%	Pettis	211	39	18.5%
Clark	59	41	69.5%	Phelps	173	20	11.6%
Clay	461	344	74.6%	Pike	65	2	3.1%
Clinton	62	24	38.7%	Platte	232	55	23.7%
Cole	332	174	52.4%	Polk	158	9	5.7%
Cooper	86	7	8.1%	Pulaski	157	23	14.6%
Crawford	215	30	14.0%	Putnam	34	20	58.8%
Dade	37	3	8.1%	Ralls	35	9	25.7%
Dallas	98	13	13.3%	Randolph	316	124	39.2%
Davies	75	41	54.7%	Ray	169	13	7.7%
Dekalb	80	26	32.5%	Reynolds	18	2	11.1%
Dent	94	7	7.4%	Ripley	52	5	9.6%
Douglas	43	5	11.6%	Saline	146	20	13.7%
Dunklin	342	29	8.5%	Schuyler	9	6	66.7%
Franklin	417	258	61.9%	Scotland	25	12	48.0%
Gasconade	60	32	53.3%	Scott	318	57	17.9%
Gentry	17	7	41.2%	Shannon	23	3	13.0%
Greene	1,276	379	29.7%	Shelby	43	4	9.3%
Grundy	61	29	47.5%	St. Charles	1,000	138	13.8%
Harrison	44	18	40.9%	St. Clair	35	10	28.6%
Henry	127	6	4.7%	St. Genevieve	65	12	18.5%
Hickory	29	-	0.0%	St. Francois	383	151	39.4%
Holt	28	21	75.0%	St. Louis City	2,426	310	12.8%
Howard	82	28	34.1%	St. Louis Cnty	2,963	217	7.3%
Howell	157	13	8.3%	Stoddard	292	57	19.5%
Iron	81	13	16.0%	Stone	201	22	10.9%
Jackson	2,549	360	14.1%	Sullivan	37	1	2.7%
Jasper	442	249	56.3%	Taney	271	116	42.8%
Jefferson	516	386	74.8%	Texas	93	2	2.2%
Johnson	176	74	42.0%	Vernon	95	8	8.4%
Knox	12	4	33.3%	Warren	194	30	15.5%
Laclede	220	31	14.1%	Washington	176	66	37.5%
Lafayette	359	56	15.6%	Wayne	54	2	3.7%
Lawrence	266	28	10.5%	Webster	148	16	10.8%
Lewis	46	34	73.9%	Worth	1	1	100.0%
Lincoln	259	34	13.1%	Wright	89	6	6.7%
Linn	67	6	9.0%	Total	26,102	6,413	24.6%

## 10. Assessments by type of Offender

Most assessments are for new sentencing of offenders who were not under supervision at the time of the offense. For offenders on probation or parole with new sentences the percent who have a court requested assessment is lower. In almost 60% of drug court cases the courts request a report from Probation and Parole. For drug courts, deferred prosecution assessments were included.

### **New Sentences in 2006 and Court Requests for Assessments**

Status of Offender	Felony Sentence	P&P Assessments	Percent Requested
Drug Court	1,163	688	59.2%
New Court Commitment	5,336	2,178	40.8%
Probation	17,550	4,311	24.6%
Parole	2,396	268	11.2%
Total	26,445	7,445	28.2%

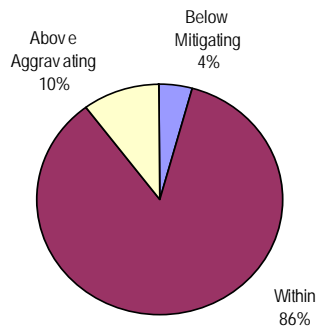
## 11. Plea Agreements

Plea agreements are made in 45% of sentencing for which SARs have been requested. The compliance rate is higher for the cases when there is a plea agreement.

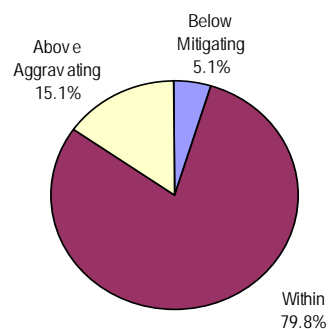
### **Actual Sentence compared to the Recommended Sentence SARs completed May 05 to July 20, 2007**

Plea Agreement	Below Mitigating	Within	Above Aggravating	Total	Percent
Yes	163 4.4%	3165 85.3%	383 10.3%	3711	45%
No or Not Known	232 5.1%	3634 79.8%	690 15.1%	4556	55%
All	395 4.8%	6799 82.2%	1073 13.0%	8267	100%

**Plea Agreement: Yes**



**Plea Agreement: No or Not Known**



## A STUDY OF SENTENCING DISPARITY

The study covers three topics: Sentencing in Missouri compared to other states, differences in sentencing by circuit courts and differences in sentencing between different racial groups.

### Sentencing and Time Served in Missouri compared to Other States in the US.

The National Corrections Reporting Program (NCRP) published by the Bureau of Justice Statistics for 2003 indicated that offenders in Missouri serve about five months longer in prison than the national average; however, as a percent of sentence time served, Missouri is similar to the national average (46.8%). From DOC records and the NCRP report for 1993, 2000 and 2003, it is apparent that that time served has increased not only in Missouri but also in other states over the last ten years but that the increase has slowed since 2000.

#### **Average Sentence and Time Served to First Release (1993 to 2003)**

	All State Prisons			Missouri		
	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served
1993	66.0	21.0	31.8%	68.0	23.0	34.4%
2000	65.0	28.0	43.1%	72.0	31.0	43.3%
2003	62.0	29.0	46.8%	72.9	33.8	46.4%

Source: NCRP reports (BJS) and DOC records

For many offenses, the average sentence and time served in Missouri is higher than in other states but there could be differences in definitions between BJS and the Missouri DOC in the data collections. Offenders with violent offenses serve a higher percent of sentence in Missouri than in other state prisons but offenders with non-violent and drug offenses serve a lower percent of sentence than in other state prisons.

#### **Average sentence and Time Served to First Release By NCIC Offense (2003)**

	All State Prisons			Missouri		
	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served
<b><i>Violent Offenses</i></b>	83	48	58%	119	73	61%
Homicide	166	94	57%	202	130	64%
Rape	124	82	66%	158	124	78%
Robbery	95	54	57%	157	91	58%
Assault	55	31	56%	78	43	55%
<b><i>Property Offenses</i></b>	53	23	43%	56	21	38%
Burglarly	68	29	43%	65	26	41%
Larceny	42	18	43%	55	21	38%
Autotheft	40	19	48%	57	24	43%
Fraud	44	17	39%	46	13	29%
Stolen Property	45	20	44%	52	19	36%
<b><i>Drug Offenses</i></b>	61	23	38%	72	26	36%
Possession	54	18	33%	49	14	29%
Trafficking	68	26	38%	100	40	40%
<b><i>Public Order Offenses</i></b>	43	19	44%	41	14	33%
Weapons	43	22	51%	72	35	49%
DWI	44	16	36%	43	16	38%
All Offenses	62	29	47%	73	34	46%

## Sentencing Differences Between Courts

When circuits are compared by sentence disposition or by average prison sentence there are wide variations in sentencing practice. Using the sentence data compiled by the Department of Corrections for FY07, the 45 Missouri circuit courts have been ranked using three measures:

### *1 Prison sentences as a percentage of all sentences*

The range is from 49.7% for circuit 18 (Cooper and Pettis counties) down to 7.7% for circuit 41 (Macon and Shelby). The average percentage is 24.1%. St. Louis City (21.6%), St. Louis County (20.3%) and Jackson County (18%) are slightly below the state average.

### *2 Shock and Treatment as a percentage of Prison and Shock and Treatment Sentences*

The range is from 70.6% for circuit 5 (Carroll and Ray counties) down to 13% for circuit 18 (Cooper and Pettis counties). The average percentage is 31.6%. Jackson County (39.2%) is in the second quartile and St. Louis City (28.4%) is in the third quartile and St. Louis County (23.1%) is in the fourth quartile.

### *3. Average Prison Sentences*

St. Louis City has the highest average prison sentence (8.2 years) and Circuit 37 (Carter, Howell, Oregon and Shannon) has the lowest average sentence (3.5 years).

Although these rankings indicate that sentencing standards appear very different between courts, small numbers may add to variability and there may be differences in the level of crime, the type of crime and in the prior criminal history of the offender population. For example, St. Louis City has a higher percentage of violent crime than other circuits and that would explain the high average prison sentence in St. Louis City. The high volume of crime in St. Louis may explain the low proportion of sentences that result in a prison sentence.

To account for some of the underlying factors, the data has been aggregated into three types of circuit court based upon the size of the resident population and sentencing has been compared for similar offense groups. This analysis is presented after the circuit court ranking charts.

**Prison Sentences as a Percentage of all Dispositions in FY07 by Circuit**  
*Ranked by Percentage in Descending Order.*

Circuits Court	Counties	Prison Sentences	Prison Sentences as a Percentage of all Dispositions
18	Cooper, Pettis	147	49.7%
19	Cole	135	41.0%
7	Clay	177	38.8%
5	Andrew, Buchanan	243	38.4%
15	Lafayette, Saline	182	36.7%
13	Boone, Callaway	337	35.8%
29	Jasper	153	34.8%
24	Madison, St. Francois, Ste. Genevieve, Washington	214	33.0%
23	Jefferson	165	32.2%
33	Mississippi, Scott	132	31.8%
6	Platte	67	29.1%
26	Camden, Laclede, Miller, Moniteau, Morgan	232	28.9%
10	Marion, Monroe, Ralls	80	28.6%
11	St. Charles	260	26.1%
1	Clark, Schuyler, Scotland	25	26.0%
40	McDonald, Newton	79	24.5%
36	Butler, Ripley	61	24.1%
45	Lincoln, Pike	77	24.1%
44	Douglas, Ozark, Wright	38	24.1%
32	Bollinger, Cape Girardeau, Perry	109	23.5%
4	Atchison, Gentry, Holt, Nodaway, Worth	30	23.3%
17	Cass, Johnson	105	22.9%
43	Caldwell, Clinton, Daviess, DeKalb, Livingston	79	22.8%
38	Christian, Taney	120	22.3%
22	St. Louis City	519	21.6%
16	Jackson	543	21.6%
30	Benton, Dallas, Hickory, Polk, Webster	113	21.4%
21	St. Louis County	590	20.3%
25	Maries, Phelps, Pulaski, Texas	89	20.1%
12	Audrain, Montgomery, Warren	105	19.9%
31	Greene	246	19.6%
27	Bates, Henry, St. Clair	49	19.1%
3	Grundy, Harrison, Mercer, Putnam	32	19.0%
34	New Madrid, Pemiscot	85	18.9%
39	Barry, Lawrence, Stone	126	18.6%
28	Barton, Cedar, Dade, Vernon	50	17.5%
9	Chariton, Linn, Sullivan	23	17.0%
37	Carter, Howell, Oregon, Shannon	40	16.5%
20	Franklin, Gasconade, Osage	83	16.4%
35	Dunklin, Stoddard	103	16.4%
14	Howard, Randolph	64	16.2%
42	Crawford, Dent, Iron, Reynolds, Wayne	73	15.7%
2	Adair, Knox, Lewis	23	15.3%
8	Carroll, Ray	25	12.0%
41	Macon, Shelby	11	7.7%

Statewide Average 24.1%

**120 Day & LT Drug Sentences as a Percentage of  
All Prison Sentences and 120 Day Sentences in FY07 by Circuit**  
*Ranked by Percentage in Descending Order.*

Circuits Court	Counties	120D/LT Sentences	120 Day & LT Drug Sentences as a Percentage of all Prison Sentences and 120 day Sentences
8	Carroll, Ray	60	70.6%
35	Dunklin, Stoddard	178	63.3%
14	Howard, Randolph	87	57.6%
12	Audrain, Montgomery, Warren	103	49.5%
28	Barton, Cedar, Dade, Vernon	44	46.8%
41	Macon, Shelby	9	45.0%
20	Franklin, Gasconade, Osage	64	43.5%
10	Marion, Monroe, Ralls	61	43.3%
34	New Madrid, Pemiscot	58	40.6%
27	Bates, Henry, St. Clair	33	40.2%
9	Chariton, Linn, Sullivan	15	39.5%
16	Jackson	350	39.2%
3	Grundy, Harrison, Mercer, Putnam	20	38.5%
17	Cass, Johnson	65	38.2%
39	Barry, Lawrence, Stone	76	37.6%
43	Caldwell, Clinton, Daviess, DeKalb, Livingston	46	36.8%
42	Crawford, Dent, Iron, Reynolds, Wayne	38	34.2%
7	Clay	90	33.7%
32	Bollinger, Cape Girardeau, Perry	54	33.1%
2	Adair, Knox, Lewis	11	32.4%
40	McDonald, Newton	37	31.9%
4	Atchison, Gentry, Holt, Nodaway, Worth	14	31.8%
25	Maries, Phelps, Pulaski, Texas	41	31.5%
13	Boone, Callaway	154	31.4%
37	Carter, Howell, Oregon, Shannon	18	31.0%
30	Benton, Dallas, Hickory, Polk, Webster	50	30.7%
38	Christian, Taney	50	29.4%
22	St. Louis City	206	28.4%
29	Jasper	58	27.5%
45	Lincoln, Pike	28	26.7%
36	Butler, Ripley	22	26.5%
33	Mississippi, Scott	45	25.4%
31	Greene	83	25.2%
6	Platte	22	24.7%
44	Douglas, Ozark, Wright	12	24.0%
15	Lafayette, Saline	57	23.8%
23	Jefferson	50	23.3%
21	St. Louis County	177	23.1%
11	St. Charles	77	22.8%
1	Clark, Schuyler, Scotland	7	21.9%
24	Madison, St. Francois, Ste. Genevieve, Washington	57	21.0%
19	Cole	32	19.2%
5	Andrew, Buchanan	50	17.1%
26	Camden, Laclede, Miller, Moniteau, Morgan	46	16.5%
18	Cooper, Pettis	22	13.0%

Statewide Average 31.6%

**Average Prison Sentences in Years in FY07 by Circuit**  
*Ranked by Average Prison Sentence in Descending Order.*

Circuits Court	Counties	Prison Sentences	Average Prison Sentence (yrs.)
22	St. Louis City	519	8.2
12	Audrain, Montgomery, Warren	105	7.2
16	Jackson	543	7.1
41	Macon, Shelby	11	7.1
2	Adair, Knox, Lewis	23	6.9
25	Maries, Phelps, Pulaski, Texas	89	6.8
21	St. Louis County	590	6.7
31	Greene	246	6.7
34	New Madrid, Pemiscot	85	6.5
27	Bates, Henry, St. Clair	49	6.5
15	Lafayette, Saline	182	6.4
10	Marion, Monroe, Ralls	80	6.4
11	St. Charles	260	6.4
39	Barry, Lawrence, Stone	126	6.4
35	Dunklin, Stoddard	103	6.4
42	Crawford, Dent, Iron, Reynolds, Wayne	73	6.3
1	Clark, Schuyler, Scotland	25	6.3
24	Madison, St. Francois, Ste. Genevieve, Washington	214	6.2
6	Platte	67	6.2
36	Butler, Ripley	61	6.2
28	Barton, Cedar, Dade, Vernon	50	6.0
32	Bollinger, Cape Girardeau, Perry	109	5.9
43	Caldwell, Clinton, Daviess, DeKalb, Livingston	79	5.9
44	Douglas, Ozark, Wright	38	5.9
7	Clay	177	5.6
3	Grundy, Harrison, Mercer, Putnam	32	5.6
19	Cole	135	5.5
40	McDonald, Newton	79	5.4
20	Franklin, Gasconade, Osage	83	5.4
9	Chariton, Linn, Sullivan	23	5.4
26	Camden, Laclede, Miller, Moniteau, Morgan	232	5.4
33	Mississippi, Scott	132	5.3
14	Howard, Randolph	64	5.2
5	Andrew, Buchanan	243	5.1
38	Christian, Taney	120	5.1
45	Lincoln, Pike	77	5.1
13	Boone, Callaway	337	5.0
23	Jefferson	165	5.0
30	Benton, Dallas, Hickory, Polk, Webster	113	4.7
8	Carroll, Ray	25	4.7
18	Cooper, Pettis	147	4.5
29	Jasper	153	4.4
17	Cass, Johnson	105	4.4
4	Atchison, Gentry, Holt, Nodaway, Worth	30	4.0
37	Carter, Howell, Oregon, Shannon	40	3.5

Statewide Average 6.1

**Prison Sentences as a Percentage of all Dispositions in FY07 by County**  
*Ranking is in Descending Order*

Ranking	County Name	Circuit Court	Prison Sentences	As a Percent of All Dispositions	Ranking	County Name	Circuit Court	Prison Sentences	As a Percent of All Dispositions
103	Adair	2	12	12.0%	61	Livingston	43	15	20.8%
6	Andrew	5	12	41.4%	114	Macon	41	4	4.0%
98	Atchison	4	3	14.3%	48	Madison	24	7	22.6%
44	Audrain	12	52	23.5%	109	Maries	25	2	10.0%
57	Barry	39	47	21.7%	25	Marion	10	60	29.3%
78	Barton	28	14	17.9%	85	McDonald	40	21	16.9%
99	Bates	27	13	13.4%	54	Mercer	3	5	21.7%
40	Benton	30	24	25.5%	23	Miller	26	45	30.2%
16	Bollinger	32	17	33.3%	3	Mississippi	33	55	48.7%
13	Boone	13	271	36.8%	30	Moniteau	26	18	28.1%
10	Buchanan	5	233	38.5%	32	Monroe	10	12	27.3%
34	Butler	36	54	26.5%	50	Montgomery	12	24	22.4%
42	Caldwell	43	14	24.1%	82	Morgan	26	20	17.2%
18	Callaway	13	67	32.1%	69	New Madrid	34	37	19.6%
15	Camden	26	87	33.7%	27	Newton	40	57	28.8%
39	Cape Girardeau	32	80	25.6%	49	Nodaway	4	14	22.6%
64	Carroll	8	8	20.5%	102	Oregon	37	4	12.1%
53	Carter	37	6	22.2%	35	Osage	20	9	26.5%
41	Cass	17	71	24.8%	7	Ozark	44	11	40.7%
96	Cedar	28	12	14.5%	74	Pemiscot	34	49	18.7%
21	Chariton	9	10	31.3%	104	Perry	32	12	11.9%
52	Christian	38	58	22.3%	1	Pettis	18	115	54.8%
36	Clark	1	15	26.3%	72	Phelps	25	33	19.0%
9	Clay	7	178	39.1%	83	Pike	45	11	17.2%
95	Clinton	43	9	14.5%	24	Platte	6	68	29.3%
8	Cole	19	134	40.6%	79	Polk	30	28	17.9%
11	Cooper	18	33	38.4%	59	Pulaski	25	33	21.4%
77	Crawford	42	39	18.1%	105	Putnam	3	4	11.8%
70	Dade	28	7	19.4%	29	Ralls	10	10	28.6%
33	Dallas	30	26	26.5%	84	Randolph	14	54	17.1%
94	Daviess	43	11	14.7%	108	Ray	8	18	10.7%
12	Dekalb	43	30	37.5%	106	Reynolds	42	2	11.1%
100	Dent	42	12	12.8%	91	Ripley	36	8	15.4%
60	Douglas	44	9	20.9%	67	Saline	15	29	20.0%
47	Dunklin	35	77	22.6%	107	Schuyler	1	1	11.1%
90	Franklin	20	64	15.6%	19	Scotland	1	8	32.0%
86	Gasconade	20	10	16.7%	31	Scott	33	86	27.7%
45	Gentry	4	4	23.5%	112	Shannon	37	2	8.7%
68	Greene	31	253	20.0%	88	Shelby	41	7	16.3%
56	Grundy	3	13	21.7%	37	St. Charles	11	262	26.3%
46	Harrison	3	10	22.7%	5	St. Clair	27	15	42.9%
73	Henry	27	24	18.9%	20	St. Francois	24	121	31.8%
43	Hickory	30	7	24.1%	55	St. Louis City	24	520	21.7%
28	Holt	4	8	28.6%	63	St. Louis Cnty	22	609	20.7%
101	Howard	14	10	12.2%	2	Ste. Genevieve	21	32	49.2%
80	Howell	37	27	17.5%	110	Stoddard	35	29	10.0%
89	Iron	42	13	16.0%	92	Stone	39	30	15.2%
58	Jackson	16	544	21.6%	113	Sullivan	9	2	5.4%
14	Jasper	29	153	34.7%	62	Taney	38	56	20.7%
17	Jefferson	23	167	32.4%	66	Texas	25	19	20.2%
71	Johnson	17	33	19.0%	51	Vernon	28	21	22.3%
87	Knox	2	2	16.7%	97	Warren	12	28	14.4%
26	Laclede	26	64	29.1%	22	Washington	24	55	31.3%
4	Lafayette	15	155	43.5%	111	Wayne	42	5	9.3%
75	Lawrence	39	49	18.4%	76	Webster	30	27	18.4%
81	Lewis	2	8	17.4%	115	Worth	4	0	0.0%
38	Lincoln	45	67	26.0%	65	Wright	44	18	20.2%
93	Linn	9	10	14.9%	<b>Statewide Average</b>				<b>24.2%</b>

**120 Day & LT Drug Sentences as a Percentage of  
All Prison Sentences and 120 Day Sentences in FY07 by County**  
*Ranking is in Descending Order*

Ranking	County Name	Circuit Court	120D/LT Sentences	As a Percent of Prison+120D/LT
42	Adair	2	7	36.8%
113	Andrew	5	1	7.7%
81	Atchison	4	1	25.0%
22	Audrain	12	46	46.9%
58	Barry	39	22	31.9%
14	Barton	28	14	50.0%
4	Bates	27	21	61.8%
77	Benton	30	9	27.3%
57	Bollinger	32	8	32.0%
60	Boone	13	126	31.7%
104	Buchanan	5	49	17.4%
90	Butler	36	16	22.9%
39	Caldwell	43	9	39.1%
69	Callaway	13	28	29.5%
97	Camden	26	23	20.9%
70	Cape Girardeau	32	33	29.2%
15	Carroll	8	8	50.0%
107	Carter	37	1	14.3%
45	Cass	17	40	36.0%
16	Cedar	28	12	50.0%
105	Chariton	9	2	16.7%
85	Christian	38	19	24.7%
59	Clark	1	7	31.8%
52	Clay	7	90	33.6%
17	Clinton	43	9	50.0%
99	Cole	19	33	19.8%
100	Cooper	18	8	19.5%
67	Crawford	42	17	30.4%
24	Dade	28	6	46.2%
74	Dallas	30	10	27.8%
46	Daviess	43	6	35.3%
79	Dekalb	43	11	26.8%
98	Dent	42	3	20.0%
64	Douglas	44	4	30.8%
8	Dunklin	35	107	58.2%
27	Franklin	20	52	44.8%
21	Gasconade	20	9	47.4%
53	Gentry	4	2	33.3%
84	Greene	31	83	24.7%
47	Grundy	3	7	35.0%
72	Harrison	3	4	28.6%
61	Henry	27	11	31.4%
108	Hickory	30	1	12.5%
54	Holt	4	4	33.3%
11	Howard	14	12	54.5%
82	Howell	37	9	25.0%
41	Iron	42	8	38.1%
38	Jackson	16	350	39.1%
76	Jasper	29	58	27.5%
87	Jefferson	23	51	23.4%
29	Johnson	17	26	44.1%
55	Knox	2	1	33.3%
109	Laclede	26	9	12.3%
92	Lafayette	15	45	22.5%
36	Lawrence	39	34	41.0%
78	Lewis	2	3	27.3%
95	Lincoln	45	19	22.1%
35	Linn	9	7	41.2%

Ranking	County Name	Circuit Court	120D/LT Sentences	As a Percent of Prison+120D/LT
34	Livingston	43	11	42.3%
31	Macon	41	3	42.9%
94	Madison	24	2	22.2%
18	Maries	25	2	50.0%
23	Marion	10	52	46.4%
49	McDonald	40	11	34.4%
73	Mercer	3	2	28.6%
112	Miller	26	4	8.2%
103	Mississippi	33	12	17.9%
65	Moniteau	26	8	30.8%
43	Monroe	10	7	36.8%
32	Montgomery	12	18	42.9%
111	Morgan	26	2	9.1%
51	New Madrid	34	19	33.9%
62	Newton	40	26	31.3%
44	Nodaway	4	8	36.4%
10	Oregon	37	5	55.6%
66	Osage	20	4	30.8%
96	Ozark	44	3	21.4%
28	Pemiscot	34	39	44.3%
13	Perry	32	13	52.0%
110	Pettis	18	14	10.9%
80	Phelps	25	12	26.7%
26	Pike	45	9	45.0%
86	Platte	6	22	24.4%
68	Polk	30	12	30.0%
63	Pulaski	25	15	31.3%
5	Putnam	3	6	60.0%
88	Ralls	10	3	23.1%
9	Randolph	14	75	58.1%
2	Ray	8	50	73.5%
19	Reynolds	42	2	50.0%
33	Ripley	36	6	42.9%
56	Saline	15	14	32.6%
20	Schuyler	1	1	50.0%
114	Scotland	1	0	0.0%
75	Scott	33	33	27.7%
6	Shannon	37	3	60.0%
25	Shelby	41	6	46.2%
91	St. Charles	11	77	22.7%
106	St. Clair	27	3	16.7%
89	St. Francois	24	36	22.9%
71	St. Louis City	24	210	28.8%
93	St. Louis Cnty	22	176	22.4%
102	Ste. Genevieve	21	7	17.9%
3	Stoddard	35	72	71.3%
30	Stone	39	23	43.4%
1	Sullivan	9	7	77.8%
48	Taney	38	30	34.9%
40	Texas	25	12	38.7%
50	Vernon	28	11	34.4%
7	Warren	12	40	58.8%
101	Washington	24	13	19.1%
12	Wayne	42	6	54.5%
37	Webster	30	18	40.0%
115	Worth	4	0	0.0%
83	Wright	44	6	25.0%
<b>Statewide Average</b>				<b>31.5%</b>

## Average Prison Sentences in Years in FY07 by County

*Ranking is in Descending Order*

Ranking	County Name	Circuit Court	Prison Sentences	Average Prison Sentence (yrs.)	Ranking	County Name	Circuit Court	Prison Sentences	Average Prison Sentence (yrs.)
17	Adair	2	12	7.2	21	Livingston	43	15	7.1
110	Andrew	5	12	3.3	23	Macon	41	4	7.0
113	Atchison	4	3	2.0	72	Madison	24	7	5.1
20	Audrain	12	52	7.1	111	Maries	25	2	3.0
42	Barry	39	47	6.2	50	Marion	10	60	5.7
56	Barton	28	14	5.6	59	McDonald	40	21	5.5
94	Bates	27	13	4.5	3	Mercer	3	5	8.6
101	Benton	30	24	4.3	67	Miller	26	45	5.3
35	Bollinger	32	17	6.5	28	Mississippi	33	55	6.7
83	Boone	13	271	4.9	63	Moniteau	26	18	5.4
71	Buchanan	5	233	5.2	26	Monroe	10	12	6.8
48	Butler	36	54	5.9	40	Montgomery	12	24	6.3
70	Caldwell	43	14	5.2	58	Morgan	26	20	5.6
55	Callaway	13	67	5.6	33	New Madrid	34	37	6.6
53	Camden	26	87	5.6	64	Newton	40	57	5.4
51	Cape Girardeau	32	80	5.6	97	Nodaway	4	14	4.4
102	Carroll	8	8	4.3	114	Oregon	37	4	2.0
90	Carter	37	6	4.5	34	Osage	20	9	6.6
99	Cass	17	71	4.4	13	Ozark	44	11	7.3
1	Cedar	28	12	9.8	39	Pemiscot	34	49	6.3
25	Chariton	9	10	6.9	24	Perry	32	12	7.0
69	Christian	38	58	5.3	92	Pettis	18	115	4.5
9	Clark	1	15	7.6	14	Phelps	25	33	7.2
54	Clay	7	178	5.6	62	Pike	45	11	5.5
10	Clinton	43	9	7.6	36	Platte	6	68	6.5
61	Cole	19	134	5.5	100	Polk	30	28	4.4
89	Cooper	18	33	4.5	8	Pulaski	25	33	7.8
22	Crawford	42	39	7.1	91	Putnam	3	4	4.5
106	Dade	28	7	3.7	2	Ralls	10	10	9.7
95	Dallas	30	26	4.5	75	Randolph	14	54	5.1
15	Daviess	43	11	7.2	84	Ray	8	18	4.9
88	Dekalb	43	30	4.6	80	Reynolds	42	2	5.0
74	Dent	42	12	5.1	7	Ripley	36	8	7.9
65	Douglas	44	9	5.3	16	Saline	15	29	7.2
32	Dunklin	35	77	6.6	81	Schuyler	1	1	5.0
85	Franklin	20	64	4.9	105	Scotland	1	8	4.0
11	Gasconade	20	10	7.5	86	Scott	33	86	4.8
87	Gentry	4	4	4.8	112	Shannon	37	2	3.0
31	Greene	31	253	6.6	19	Shelby	41	7	7.1
107	Grundy	3	13	3.7	37	St. Charles	11	262	6.4
38	Harrison	3	10	6.4	93	St. Clair	27	15	4.5
4	Henry	27	24	8.6	30	St. Francois	24	121	6.7
44	Hickory	30	7	6.1	5	St. Louis City	24	520	8.2
108	Holt	4	8	3.5	29	St. Louis Cnty	22	609	6.7
45	Howard	14	10	5.9	49	Ste. Genevieve	21	32	5.7
109	Howell	37	27	3.5	47	Stoddard	35	29	5.9
52	Iron	42	13	5.6	46	Stone	39	30	5.9
18	Jackson	16	544	7.1	60	Sullivan	9	2	5.5
96	Jasper	29	153	4.5	82	Taney	38	56	4.9
77	Jefferson	23	167	5.0	73	Texas	25	19	5.1
103	Johnson	17	33	4.2	98	Vernon	28	21	4.4
78	Knox	2	2	5.0	6	Warren	12	28	8.0
76	Laclede	26	64	5.1	57	Washington	24	55	5.6
41	Lafayette	15	155	6.2	43	Wayne	42	5	6.2
27	Lawrence	39	49	6.8	68	Webster	30	27	5.3
12	Lewis	2	8	7.5	115	Worth	4	0	0.0
79	Lincoln	45	67	5.0	66	Wright	44	18	5.3
104	Linn	9	10	4.2	<b>Statewide Average</b>				<b>6.1</b>

Comparing sentencing when grouped into three geographical areas based upon size of population (Metropolitan, Other First Class Counties and Rural) indicates that the greatest differences are between the metropolitan areas and the rest of the state. The metropolitan areas have the highest prison sentences but the lowest percentage of prison sentences. Rural counties have higher percentages of probation and shock and treatment sentences than first class counties. Within the metro areas Jackson County has the highest percent of shock and treatment sentences but all three metro counties have similar prison percentages.

**New Sentencing and DOC Commitment, FY07  
All Offenses**

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
Jackson Cnty	2,515	64.5	13.9	21.6	7.1
St Louis Cnty	2,903	73.6	6.1	20.3	6.7
St. Louis City	2,398	69.8	8.6	21.6	8.2
Metro	7,816	69.5	9.4	21.1	7.3
First Class	8,019	60.6	10.5	28.8	5.5
Rural	10,003	64.3	13.0	22.7	5.8
Total	25,838	64.7	11.1	24.1	6.1

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44,

Comparing the three geographical areas for similar offenses reduces the disparity in prison sentences but the differences in sentence disposition remain. The metro areas have the lowest percent of sentences receiving prison sentences. This is true for drugs, DWI and other non-violent offenses. For violent offenses there is a much greater similarity in sentencing. For Class A, B and C felony violent offenses there is very little difference in disposition or prison sentence between the metropolitan counties and the other counties. For Class D violent offenses there is a difference.

**New Sentencing and DOC Commitment, FY07**  
**By Offense Group**

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
<i>Violent</i>					
Jackson Cnty	462	40.5	18.2	41.3	10.6
St Louis Cnty	320	43.1	8.8	48.1	10.0
St. Louis City	313	39.6	8.3	52.1	11.4
Metro	1,095	41.0	12.6	46.4	10.7
First Class	709	39.6	11.1	49.2	8.9
Rural	952	47.2	15.9	37.0	8.2
Total Violent	2,756	42.8	13.4	43.9	9.4
<i>Sex</i>					
Jackson Cnty	91	34.1	12.1	53.8	12.1
St Louis Cnty	96	44.8	4.2	51.0	10.3
St. Louis City	71	35.2	4.2	60.6	11.7
Metro	258	38.4	7.0	54.7	11.3
First Class	234	25.2	11.5	63.2	9.6
Rural	391	32.0	17.1	50.9	9.6
Total Sex	883	32.0	12.7	55.3	10.1
<i>Drugs</i>					
Jackson Cnty	1,032	83.5	8.4	8.0	5.0
St Louis Cnty	846	78.1	8.2	13.7	5.3
St. Louis City	1,175	76.8	10.6	12.6	6.6
Metro	3,053	79.4	9.2	11.4	5.8
First Class	2,958	70.1	9.6	20.3	5.2
Rural	3,338	66.8	13.0	20.2	5.9
Total Drugs	9,349	72.0	10.7	17.3	5.6
<i>DWI</i>					
Jackson Cnty	133	55.6	28.6	15.8	3.6
St Louis Cnty	45	60.0	17.8	22.2	3.3
St. Louis City	4	100.0	-	-	-
Metro	182	57.7	25.3	17.0	3.5
First Class	603	55.2	20.2	24.5	3.4
Rural	570	60.7	23.9	15.4	3.3
Total DWI	1,355	57.9	22.4	19.7	3.4
<i>Non-Violent</i>					
Jackson Cnty	797	58.7	16.3	25.0	3.8
St Louis Cnty	1,596	79.4	4.3	16.4	4.9
St. Louis City	835	74.0	6.2	19.8	5.5
Metro	3,228	72.9	7.7	19.4	4.7
First Class	3,515	60.2	9.4	30.4	4.2
Rural	4,752	69.0	10.7	20.2	4.3
Total Non-Violent	11,495	67.4	9.5	23.1	4.4
Total	25,838	64.7	11.1	24.1	6.1

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 4

**New Sentencing and DOC Commitment, FY07**  
**Violent Offenses by Felony Class**

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
<i>Class A</i>					
Jackson Cnty	85	16.5	4.7	78.8	17.6
St Louis Cnty	56	14.3	7.1	78.6	17.6
St. Louis City	90	22.2	2.2	75.6	16.9
Metro	231	18.2	4.3	77.5	17.3
First Class	100	10.0	3.0	87.0	18.4
Rural	60	18.3	3.3	78.3	21.2
Total Class A	391	16.1	3.8	80.1	18.2
<i>Class B</i>					
Jackson Cnty	152	36.8	18.4	44.7	8.0
St Louis Cnty	87	34.5	16.1	49.4	8.9
St. Louis City	92	38.0	9.8	52.2	8.2
Metro	331	36.6	15.4	48.0	8.3
First Class	117	25.6	21.4	53.0	8.8
Rural	128	21.9	14.1	64.1	9.2
Total Class B	576	31.1	16.3	52.6	8.7
<i>Class C</i>					
Jackson Cnty	204	53.9	22.1	24.0	4.8
St Louis Cnty	154	58.4	4.5	37.0	5.4
St. Louis City	112	57.1	13.4	29.5	4.9
Metro	470	56.2	14.3	29.6	5.1
First Class	432	52.1	9.5	38.4	4.6
Rural	695	54.8	17.7	27.5	4.8
Total Class C	1,597	54.5	14.5	31.1	4.8
<i>Class D</i>					
Jackson Cnty	4	50.0	50.0	-	-
St Louis Cnty	6	50.0	16.7	33.3	3.0
St. Louis City	4	75.0	-	25.0	3.0
Metro	14	57.1	21.4	21.4	3.0
First Class	31	32.3	19.4	48.4	2.9
Rural	34	55.9	8.8	35.3	3.1
Total Class D	79	46.8	15.2	38.0	3.0
<i>Unclassed</i>					
Jackson Cnty	-	-	-	-	-
St Louis Cnty	-	-	-	-	-
St. Louis City	1	100.0	-	-	-
Metro	1	100.0	-	-	-
First Class	-	-	-	-	-
Rural	1	100.0	-	-	-
Total Unclassed	2	100.0	-	-	-
Total	2,645	43.5	13.3	43.2	9.5

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 4

**New Sentencing and DOC Commitment, FY07**  
**Sex Offenses by Felony Class**

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
<i>Class A</i>					
Jackson Cnty	5	-	-	100.0	19.4
St Louis Cnty	2	50.0	-	50.0	10.0
St. Louis City	3	-	-	100.0	20.0
Metro	10	10.0	-	90.0	18.6
First Class	7	28.6	-	71.4	23.2
Rural	5	20.0	-	80.0	27.5
Total Class A	22	18.2	-	81.8	21.8
<i>Class B</i>					
Jackson Cnty	3	33.3	-	66.7	7.5
St Louis Cnty	10	20.0	10.0	70.0	8.3
St. Louis City	5	20.0	20.0	60.0	8.3
Metro	18	22.2	11.1	66.7	8.2
First Class	28	17.9	10.7	71.4	8.9
Rural	55	12.7	20.0	67.3	9.9
Total Class B	101	15.8	15.8	68.3	9.3
<i>Class C</i>					
Jackson Cnty	29	58.6	17.2	24.1	5.7
St Louis Cnty	40	60.0	5.0	35.0	5.4
St. Louis City	29	65.5	6.9	27.6	3.9
Metro	98	61.2	9.2	29.6	5.1
First Class	98	30.6	17.3	52.0	5.4
Rural	193	34.7	23.3	42.0	5.5
Total Class C	389	40.4	18.3	41.4	5.4
<i>Class D</i>					
Jackson Cnty	3	33.3	33.3	33.3	3.0
St Louis Cnty	6	66.7	16.7	16.7	4.0
St. Louis City	-	-	-	-	-
Metro	9	55.6	22.2	22.2	3.5
First Class	33	39.4	15.2	45.5	3.2
Rural	53	64.2	15.1	20.8	3.4
Total Class D	95	54.7	15.8	29.5	3.3
<i>Unclassed</i>					
Jackson Cnty	42	23.8	2.4	73.8	12.2
St Louis Cnty	34	29.4	-	70.6	14.1
St. Louis City	31	16.1	-	83.9	13.6
Metro	107	23.4	0.9	75.7	13.2
First Class	61	14.8	1.6	83.6	15.1
Rural	71	15.5	1.4	83.1	15.6
Total Unclassed	239	18.8	1.3	79.9	14.4
Total	846	32.4	12.4	55.2	10.2

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 4

## Sentencing Disparity by Race

The most significant indicator of sentencing disparity by race is the incarceration rate in relation to the respective populations of Blacks, Hispanics and Whites. The Missouri incarceration rate for Blacks is over five times that of Whites and nationally the Black rate is over six times the White incarceration rate. The incarceration rate for Hispanics in Missouri is lower than for Whites and is only half the national rate for Hispanics, in contrast to the national statistics where Hispanics are incarcerated at a rate nearly three times that of Whites

### **Incarceration Rate By Race, 2005** **Rate per 100,000 population**

	Missouri	US
Black	1,979	1,441
Hispanic	314	605
White	370	238
Total	529	435

Source: BJS Prisoners in 2005, table 4

There are many factors, including socio-economic factors, that play an important part in explaining the differences in incarceration rates between racial and ethnic groups. The analysis the Commission has conducted attempts to identify the relative impacts of severity of offense, prior criminal history and time served in Missouri. The results of a statistical based multiple regression analysis are reported in the last section on the study of sentencing disparity (pages 32,33).

Using the sentencing data for FY07, the comparison between the four racial or ethnic groups indicates that Blacks have the highest average prison sentence, 7.2 years compared to an average of 5.6 years for Whites. The aggregate data also indicates that Hispanics have the highest percentage of prison sentences (34.1%) and Whites have the highest percentage of probation sentences (65.6). 'Other' includes Native Americans and Asian and Pacific Islanders.

### **New Sentencing and DOC Commitment in FY07 by Race** **All Offenses**

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	7,539	62.8	10.6	26.6	100.0	7.2
Hispanic	454	55.7	10.1	34.1	100.0	6.1
White	17,777	65.6	11.4	23.0	100.0	5.6
Other	156	62.8	11.5	25.6	100.0	5.8
Total	25,926	64.6	11.2	24.2	100.0	6.1

i. Severity of Offense

The disparity in average prison sentences between races could be explained by differences in the types of offense committed by the different races. Calculating the sentencing indicators by race for each offense group (violent, sex, nonviolent, drugs and DWI) will indicate whether differences in the types of offense are important. For DWI offenses there is little difference in average sentencing between Blacks and Whites but for the other offense types there still are still differences in average sentencing. The differences are, however, much reduced when the racial comparison is made by offense type and felony class.

**Drug Offenses**

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	3,017	67.3	12.5	20.3	100.0	6.3
Hispanic	166	60.8	8.4	30.7	100.0	6.1
White	6,163	74.3	9.9	15.7	100.0	5.2
Other	34	79.4	11.8	8.8	100.0	6.0
Total	9,380	71.8	10.7	17.4	100.0	5.6

**DWI Offenses**

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	112	53.6	28.6	17.9	100.0	3.4
Hispanic	31	48.4	19.4	32.3	100.0	2.6
White	1,207	58.6	22.1	19.3	100.0	3.4
Other	10	40.0	20.0	40.0	100.0	3.0
Total	1,360	57.8	22.6	19.6	100.0	3.4

**Non-Violent Offenses**

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	3,103	70.0	8.2	21.9	100.0	4.6
Hispanic	166	65.7	8.4	25.9	100.0	3.9
White	8,172	66.4	10.1	23.6	100.0	4.3
Other	83	66.3	9.6	24.1	100.0	4.3
Total	11,524	67.3	9.5	23.2	100.0	4.4

## Sex Offenses

Felony Class	Race/Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
			Probation	Shock/Treatment	Prison	Percent of Sentence	
A	Black	7	14.3	0.0	85.7	100.0	18.7
	Hispanic	-	0.0	0.0	0.0	100.0	0.0
	White	16	18.8	0.0	81.3	100.0	22.0
	Other	-	0.0	0.0	0.0	100.0	0.0
	Total	23	17.4	0.0	82.6	100.0	20.9
B	Black	13	23.1	23.1	53.8	100.0	8.7
	Hispanic	4	0.0	25.0	75.0	100.0	8.7
	White	86	15.1	14.0	70.9	100.0	9.2
	Other	2	0.0	0.0	100.0	100.0	5.0
	Total	105	15.2	15.2	69.5	100.0	9.0
C	Black	91	45.1	14.3	40.7	100.0	5.8
	Hispanic	18	38.9	16.7	44.4	100.0	5.6
	White	297	37.7	19.5	42.8	100.0	5.4
	Other	3	33.3	33.3	33.3	100.0	5.0
	Total	409	39.4	18.3	42.3	100.0	5.5
D	Black	13	15.4	15.4	69.2	100.0	3.2
	Hispanic	-	0.0	0.0	0.0	100.0	0.0
	White	83	59.0	15.7	25.3	100.0	3.6
	Other	2	100.0	0.0	0.0	100.0	0.0
	Total	98	54.1	15.3	30.6	100.0	3.5
Unclassified	Black	77	24.7	2.6	72.7	100.0	13.6
	Hispanic	6	0.0	16.7	83.3	100.0	13.4
	White	172	18.0	2.3	79.7	100.0	14.8
	Other	1	0.0	0.0	100.0	100.0	10.0
	Total	256	19.5	2.7	77.7	100.0	14.4
Total		891	31.9	12.7	55.4	100.0	10.1

The analysis by offense type and felony class has only been completed for sex , child abuse and violent offense groups because those offense groups include a wide range of offenses from Class D to Class A. An example of sentencing between the races being very similar is for Class A violent offenses where the average prison sentence is 17.4 years for Blacks and 17.7 years for Whites (page 27). Not all differences between the races are explained by the offense group and the felony class. For unclassified sex offenses (forcible rape/forcible sodomy/statutory rape 1<sup>st</sup> degree/statutory sodomy 1<sup>st</sup> degree) the average prison sentence for Whites (14.8 years) is longer than the average prison sentence for Blacks (13.6 years). For Class C violent offenses Whites are more likely to receive probation than Blacks (55.7% Whites, 50.8% Blacks).

## Violent Offenses

Felony Class	Race/Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
			Probation	Shock/Treatment	Prison	Percent of Sentence	
A	Black	262	16.4	4.2	79.4	100.0	17.4
	Hispanic	10	20.0	0.0	80.0	100.0	18.3
	White	164	16.5	6.7	76.8	100.0	17.7
	Other	4	25.0	0.0	75.0	100.0	19.0
	Total	440	16.6	5.0	78.4	100.0	17.6
B	Black	342	33.6	12.6	53.8	100.0	8.8
	Hispanic	16	25.0	12.5	62.5	100.0	7.7
	White	261	27.2	21.1	51.7	100.0	8.6
	Other	5	60.0	20.0	20.0	100.0	6.0
	Total	624	30.9	16.2	52.9	100.0	8.7
C	Black	476	50.8	13.2	35.9	100.0	5.1
	Hispanic	34	41.2	14.7	44.1	100.0	5.0
	White	1,102	55.7	14.8	29.5	100.0	4.9
	Other	12	41.7	16.7	41.7	100.0	5.2
	Total	1,624	53.9	14.3	31.8	100.0	5.0
D	Black	26	26.9	7.7	65.4	100.0	3.6
	Hispanic	3	33.3	0.0	66.7	100.0	3.0
	White	52	55.8	19.2	25.0	100.0	2.8
	Other	-	0.0	0.0	0.0	100.0	0.0
	Total	81	45.7	14.8	39.5	100.0	3.2
Unclassified	Black	-	0.0	0.0	0.0	100.0	0.0
	Hispanic	-	0.0	0.0	0.0	100.0	0.0
	White	2	100.0	0.0	0.0	100.0	0.0
	Other	-	0.0	0.0	0.0	100.0	0.0
	Total	2	100.0	0.0	0.0	100.0	0.0
Total		2,771	42.6	13.3	44.1	100.0	9.5

## ii. Prior Criminal History

Blacks have the highest percentage of offenders with prior felony convictions (Levels 2-5). At each level of prior criminal history, however, Blacks have a longer average prison sentence and a higher percentage of offenders with a prison sentence. The differences between Blacks and Whites are greatest for Level II and Level III. For Level II the average prison sentence for Blacks is 1.7 years longer than for Whites and for Level III the difference is 1.8 years.

### Prior Criminal History and Racial/Ethnic Origin, FY07 sentencing

#### Dispositions

Race/ Hispanic	Prior Criminal History Level					
	Level I	Level II	Level III	Level IV	Level V	Total
Black	3,666	1,595	1,251	646	381	7,539
Hispanic	335	61	31	21	8	456
White	9,954	3,122	2,569	1,293	838	17,776
Other	99	23	17	11	5	155
Total	14,054	4,801	3,868	1,971	1,232	25,926

#### Percentages

Race/ Hispanic	Prior Criminal History Level					
	Level I	Level II	Level III	Level IV	Level V	Total
Black	48.6%	21.2%	16.6%	8.6%	5.1%	100.0%
Hispanic	73.5%	13.4%	6.8%	4.6%	1.8%	100.0%
White	56.0%	17.6%	14.5%	7.3%	4.7%	100.0%
Other	63.9%	14.8%	11.0%	7.1%	3.2%	100.0%
Total	54.2%	18.5%	14.9%	7.6%	4.8%	100.0%

#### Average Prison Sentences (Years), FY07 sentencing

Race/ Hispanic	Prior Criminal History Level					
	Level I	Level II	Level III	Level IV	Level V	Total
Black	8.1	6.8	6.9	7.0	6.9	7.2
Hispanic	6.7	4.3	5.2	6.5	3.8	6.1
White	7.0	5.1	5.1	5.2	5.4	5.6
Other	5.3	4.2	8.1	5.4	5.7	5.8
Total	7.3	5.7	5.7	5.7	5.8	6.1

#### Prison sentences as a percent of all dispositions, FY07 sentencing

Race/ Hispanic	Prior Criminal History Level					
	Level I	Level II	Level III	Level IV	Level V	Total
Black	5.9%	6.2%	7.6%	4.1%	2.8%	26.6%
Hispanic	22.8%	5.0%	2.6%	2.6%	1.1%	34.2%
White	5.3%	4.9%	6.5%	3.8%	2.6%	23.0%
Other	12.3%	3.2%	5.2%	3.2%	1.9%	25.8%
Total	5.8%	5.3%	6.7%	3.8%	2.6%	24.2%

Including the severity of the offense into the analysis for Level I offenders increases the disparity in sentencing between Blacks and Whites for Violent offenses (40.0% prison for Blacks compared to 23.3% for Whites) and Drugs (5.4% prison for Blacks compared to 3.6% for Whites). It reduces the disparity for Sex offenses (Blacks 44.6% , Whites 48.1%) and Nonviolent offenses (Blacks 6.7%, Whites 7.7%). DWI sentencing is neutral.

**Prison as a Percent of All Sentences and Average Prison Sentence  
for Offenders with Level I Prior Criminal History by Offense, FY07**

Offense Group Race/Hispanic	Level I Sentences	Percent Prison Sentences	Average Prison Sentences (years)
<i>Violent</i>			
Black	532	40.0%	10.7
Hispanic	49	59.2%	8.5
White	941	23.3%	9.2
Other	16	37.5%	8.2
Total Violent	1,538	30.4%	9.8
<i>Sex</i>			
Black	101	44.6%	9.8
Hispanic	23	56.5%	9.3
White	430	48.1%	10.9
Other	6	66.7%	6.3
Total Sex	560	48.0%	10.6
<i>Non-Violent</i>			
Black	1,574	6.7%	4.0
Hispanic	119	18.5%	3.1
White	4,248	7.7%	4.3
Other	46	8.7%	2.5
Total Non-Violent	5,987	7.6%	4.1
<i>Drug</i>			
Black	1,419	5.4%	5.9
Hispanic	120	28.3%	7.2
White	3,654	3.6%	5.4
Other	24	8.3%	4.0
Total Drug	5,217	4.7%	5.8
<i>DWI</i>			
Black	40	7.5%	3.0
Hispanic	24	25.0%	2.5
White	681	7.6%	3.1
Other	7	42.9%	2.7
Total DWI	752	8.5%	3.0
Total Sentences	14,054	10.7%	7.3

**Time Served Disparity by Race**

The previous analysis examined variations in sentencing by race but the disparity that results in Blacks having a much higher incarceration rate than other races could also be the result of the release practices of the Missouri Board of Probation and Parole. For offenders sentenced to a prison sentence the Board of Probation and Parole has the discretionary responsibility to determine the release date, subject to statutory restrictions on minimum prison time and the statute that defines conditional release.

In FY07 the Department of Corrections released 5,464 offenders to the first release in their commitment. The average time served was 33.7 months and that comprised 47.5%

of the aggregate sentence. Blacks served significantly more time than Whites (44.4 months compared to 28.9 months) in part because Blacks on average were sentenced to longer sentences (83 months compared to 65.7 months). As a percent of sentence Blacks also served longer than Whites (53.5% compared to 44.0%).

**Time Served, First release in commitment, FY07**

Race/Hispanic	First Releases	Aggregate Sentence (mths)	Time Served (mths)	Percent Served
Black	1,697	83.0	44.4	53.5%
Hispanic	125	60.9	24.7	40.6%
White	3,614	65.7	28.9	44.0%
Other	28	60.1	31.9	53.1%
Total	5,464	70.9	33.7	47.5%

The analysis by offense group does not reduce the difference in the percent of sentence served between Blacks and Whites for four of the five offense groups. The exception

**Time Served, First release in commitment, FY07  
By Offense Group**

Race/Hispanic	First Releases	Aggregate Sentence (mths)	Time Served (mths)	Percent Served
<i>Drugs</i>				
Black	536	76.4	27.6	36.1%
Hispanic	48	70.4	22.3	31.7%
White	954	67.0	18.7	27.9%
Other	4	53.0	14.1	26.6%
Total	1,542	70.4	21.9	31.1%
<i>DWI</i>				
Black	17	40.0	20.8	52.0%
Hispanic	5	47.8	14.9	31.2%
White	248	42.2	18.1	42.9%
Other	1	23.0	6.9	30.0%
Total	271	42.1	18.2	43.2%
<i>Nonviolent</i>				
Black	594	55.1	23.1	41.9%
Hispanic	39	44.7	13.8	30.9%
White	1,569	52.2	18.1	34.7%
Other	11	51.5	25.2	48.9%
Total	2,213	52.8	19.4	36.7%
<i>Sex &amp; Child Abuse</i>				
Black	104	102.9	77.9	75.7%
Hispanic	10	59.8	43.5	72.7%
White	382	85.9	64.7	75.3%
Other	4	86.0	62.2	72.3%
Total	500	88.9	67.0	75.4%
<i>Violent</i>				
Black	446	125.2	86.1	68.8%
Hispanic	23	71.9	42.0	58.4%
White	461	105.0	63.3	60.3%
Other	8	67.3	38.0	56.5%
Total	938	113.5	73.4	64.7%
All Offenses	5,464	70.9	33.7	47.5%

is for Sex and Child Abuse offenses, where the majority of offenders are released on or after the conditional release date.

Board release decisions are based upon a parole hearing and a guideline release date that is determined by a salient factor risk assessment. The salient factor risk score includes measures of prior criminal history, institutional adjustment and other factors that have been tested to be correlated with recidivism. The salient factor risk score is race neutral. The final test for disparity in time served by the Board of Probation and Parole is, therefore, to measure the compliance by the Board with the guideline release dates for each of the races.

#### **Time Served and Guideline Time Served, FY07**

**Includes offenders required to serve minimum mandatory prison terms (MMPT)**

Race/ Hispanic	Releases	Sentence (mths)	Time Served (mths)	Percent Sentence	Guideline Time (mths)	Guideline Percent Sentence
Black	2,082	80.9	39.1	48.3%	31.6	39.1%
Hispanic	146	67.1	26.1	38.9%	22.1	32.9%
White	4,483	65.5	26.0	39.7%	20.0	30.5%
Other	40	57.0	27.5	48.2%	19.9	34.9%
Total	6,751	70.2	30.1	42.9%	23.6	33.6%

For all offenders with a salient factor based guideline release date and released in FY07 the average guideline time served was 23.6 months and the actual time served was 30.1 months. Reasons for the longer than guideline stay include statutory minimum prison terms. Black offenders served an average of 13.1 months longer than Whites in actual time and an average 11.6 months in guideline time. As a percent of sentence served between the races is close (8.6% for actual time served compared to 8.5% for guideline time served). The longer time served by Blacks is attributed to higher risk factors.

#### **Difference between Black and White Offenders, FY07**

	Black (mths)	White (mths)	Difference (mths)	Percent Sentence
Actual Time Served	39.1	26.0	13.1	8.6%
Guideline/MMPT Time Served	31.6	20.0	11.6	8.5%

## Statistical Analysis of Sentencing Using Multiple Regression

A regression analysis was undertaken as an aid to understanding the extent of race in sentencing. An advantage of statistical techniques is the ability to explain the inter-relationships between a number of variables, subject to the assumptions underlying the statistical technique. The most important requirement of a regression model is the need to express all the variables as numeric (not simply rankings).

Using two years of sentencing data from FY05 to FY07 a stepwise multiple regression was completed with seven predictors of the sentence disposition. The independent variables were:

- admission type (probationer or parolee at time of offense or not under supervision),
- offense severity (felony class, offense group and severity),
- prior criminal history level
- age
- gender
- race
- type of sentencing county ( Metro, First Class or Rural)

For sentence disposition (Probation, Shock/Treatment and Prison) as the dependant variable the seven independent variables explained 63% of the variation (R square). The most important explanatory variables were admission type (whether the offender was a new commitment or a probation/parole violator), prior criminal history and offense severity in that order. These three variables explained 62.6% of the model. Race was not a significant variable and was not included in the final stepwise regression variable set..

The model was re-run using length of sentence as the dependant variable for offenders sentenced to prison. This model, which was examining the relationships between the variables for offenders who in most cases had significant prior criminal history, produced a different set of variable rankings. Overall the model explained less of the variance (40.8%) and by far the most important variable was offense severity. Age, race and prior

**Summary Statistics: Stepwise Regression to Explain Sentence Disposition**  
**New Sentencing July 05-June 07**

Dependant Variable	Sentence Disposition		Prison Only Sentence Length	
	Standardized Beta Coeffs.	Ranking	Standardized Beta Coeffs.	Ranking
New Commit/Probationer/Parolee	0.648	1	0.049	5
Offense severity	0.094	3	0.628	1
Prior criminal history	0.311	2	0.062	4
Geography (Metro, First Class, Rural)	0.023	6	ns	
Gender	0.027	5	ns	
Race	0.009	7	0.068	3
Age	0.044	4	0.069	2
Regression coeff.	0.794		0.638	
R Square	0.630		0.408	

criminal history were significantly correlated to length of sentence but they contributed less than 5% to the overall regression coefficient. Gender and geographic locality were not significant.

A conclusion of the regression analysis is to suggest that race is not a significant factor in the sentencing decision. Most of the variation in sentencing is attributed to prior criminal history, whether the offender is a supervision violator or not and the offense. Race, age, gender and geography are related to the type of offense and to the level of prior criminal history. The relationships are statistically significant but small (4.1% and 9.1% respectively).

Independent variable	Standardized Beta Coeff.	
	Offense Severity	Prior Criminal History
Age	0.141	0.255
Race	0.102	0.083
Geography	0.029	0.034
Gender	0.054	0.154
Regression Coefficient	0.202	0.301
R Square	4.10%	9.10%

## DEATH PENALTY SENTENCING

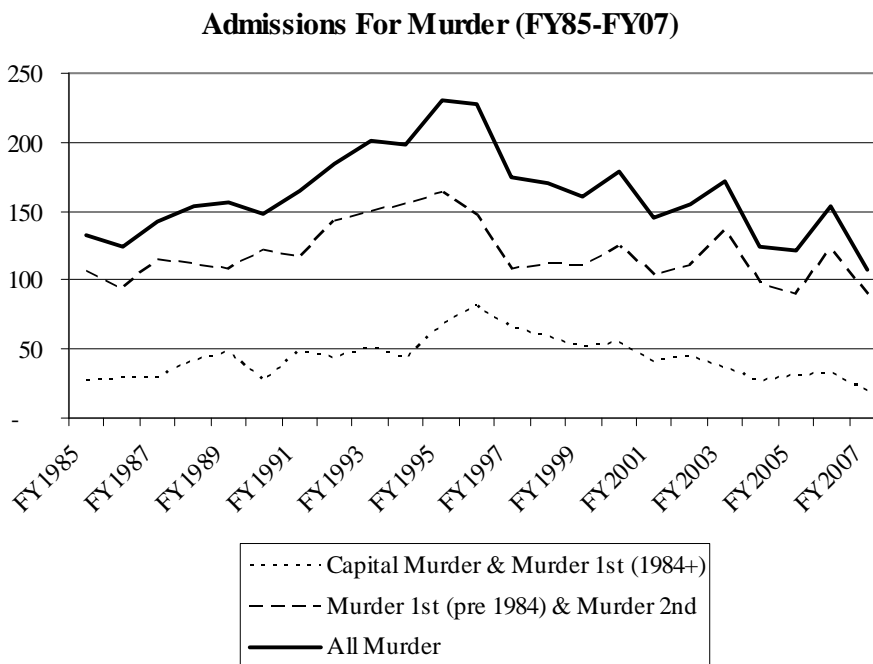
The study analyzes recent trends in prison admissions for murder, including sentences that require the death penalty, and provides measures that identify racial disparity in the application of capital punishment.

### Sentencing for Murder (565 RSMo.)

The death sentence for murder was re-imposed in Missouri in 1977 as capital murder and the authorized sentences were the death penalty or life with no parole for 50 years. In October 1984 Capital Murder was replaced by Murder 1<sup>st</sup> degree and the authorized sentences were the death penalty or life without parole. Prior to October 1984 Murder 1<sup>st</sup> degree had an authorized sentence of life with parole eligibility. The death penalty analysis for Murder 1<sup>st</sup> degree includes sentences of capital murder but excludes sentences of Murder 1<sup>st</sup> degree for offenses committed prior to October 1984. The sentencing data used in this review uses the first sentencing decision. Following appeals against the death penalty the original decision may be later reversed.

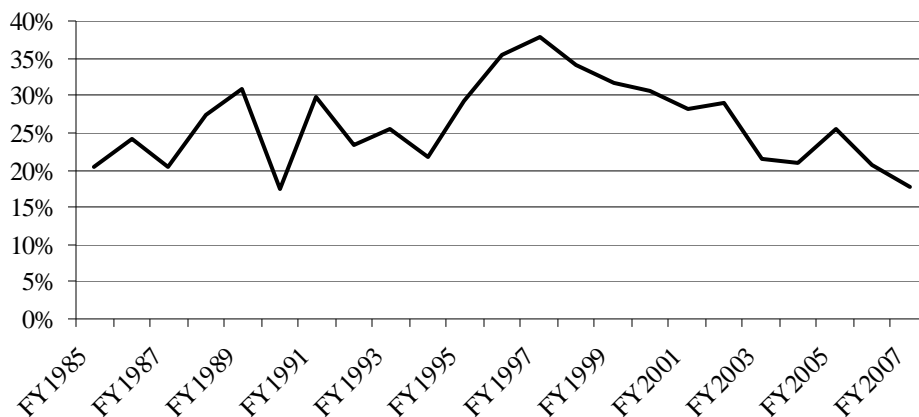
### Admissions for Murder

Prison admissions for Murder have been declining since FY95 and the decline in Murder 1<sup>st</sup> degree admissions has been the greater. In FY95 there were 230 admissions for Murder and 108 in FY07.



In FY97 Murder 1<sup>st</sup> degree admissions accounted for 38% of murder admissions and in FY07 the percentage was down to 18%.

### Murder 1st Degree as Percent of Murder Admissions FY85-FY07



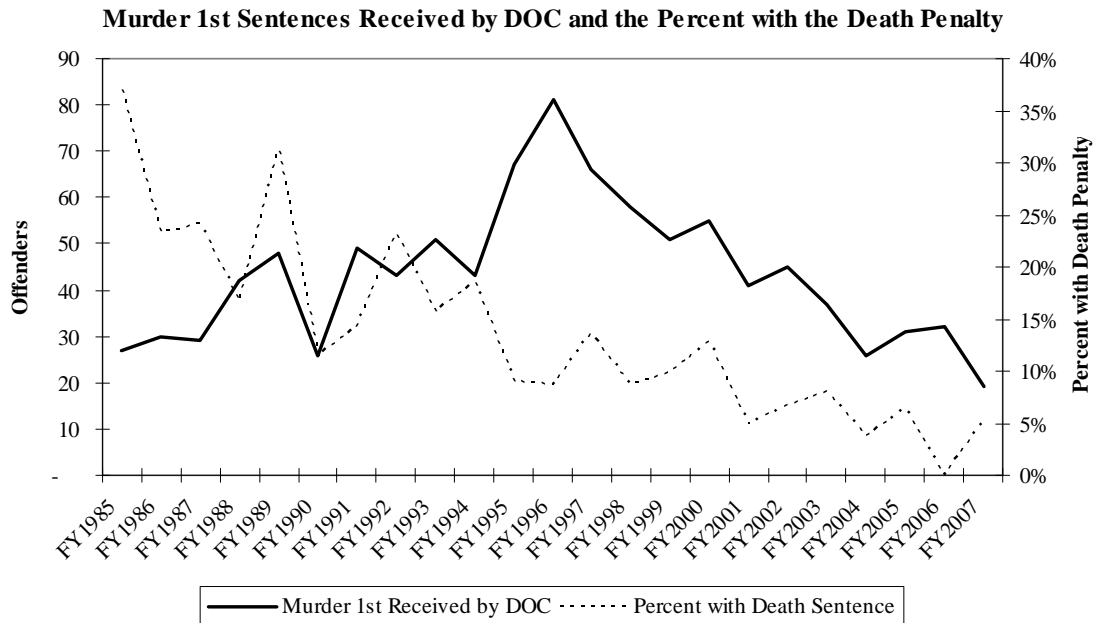
#### Admissions for Murder 1st and 2nd Degree FY85-FY07

	Capital Murder & Murder 1st (1984+)	Murder 1st (pre 1984) & Murder 2nd	All Murder	Percent Murder 1st
FY1985	27	106	133	20%
FY1986	30	94	124	24%
FY1987	29	114	143	20%
FY1988	42	112	154	27%
FY1989	48	108	156	31%
FY1990	26	122	148	18%
FY1991	49	116	165	30%
FY1992	43	142	185	23%
FY1993	51	150	201	25%
FY1994	43	155	198	22%
FY1995	67	163	230	29%
FY1996	81	147	228	36%
FY1997	66	108	174	38%
FY1998	58	112	170	34%
FY1999	51	110	161	32%
FY2000	55	124	179	31%
FY2001	41	104	145	28%
FY2002	45	110	155	29%
FY2003	37	135	172	22%
FY2004	26	98	124	21%
FY2005	31	90	121	26%
FY2006	32	122	154	21%
FY2007	19	89	108	18%

#### The application of the death penalty

In January 2006 a decision by a US District Court on the constitutionality of Missouri's method of execution placed a moratorium on executions. The 8<sup>th</sup> Circuit Courts of Appeals vacated that decision in June 2007. The last execution in Missouri at the time of this review (September 2007) was in October 2005.

Although the percentage of offenders convicted of Murder 1<sup>st</sup> degree and sentenced to death has fluctuated from year to year the trend has been downwards. In FY2006 there were no offenders received by the DOC with the death penalty and in FY07 there was one offender received (5% of Murder 1<sup>st</sup> degree admissions).



**Offenders Received for Murder 1st Degree and Executions**

	No Parole	Death Penalty	Total	Percent Death	Executions
FY1985	17	10	27	37%	
FY1986	23	7	30	23%	
FY1987	22	7	29	24%	
FY1988	35	7	42	17%	
FY1989	33	15	48	31%	1
FY1990	23	3	26	12%	3
FY1991	42	7	49	14%	1
FY1992	33	10	43	23%	1
FY1993	43	8	51	16%	2
FY1994	35	8	43	19%	3
FY1995	61	6	67	9%	2
FY1996	74	7	81	9%	6
FY1997	57	9	66	14%	5
FY1998	53	5	58	9%	8
FY1999	46	5	51	10%	8
FY2000	48	7	55	13%	3
FY2001	39	2	41	5%	7
FY2002	42	3	45	7%	7
FY2003	34	3	37	8%	3
FY2004	25	1	26	4%	2
FY2005	29	2	31	6%	3
FY2006	32	-	32	0%	2
FY2007	18	1	19	5%	
<b>TOTAL</b>	<b>864</b>	<b>133</b>	<b>997</b>	<b>13%</b>	<b>67</b>

### Is there racial disparity in the application of the death penalty?

Commitment rates for murder indicate that Blacks are ten times more likely to be convicted of murder than Whites.

#### **Average Murder Commitment Rates per 100,000 population**

	FY85-FY95	FY96-FY07
Black	16.2	14.0
White	1.6	1.3
Total	3.3	2.8

Commitment rate is:

Annual admissions for murder/Missouri population (Census 1990, 2000)\* 100,000

The indicators used to measure racial disparity in the application of the death penalty are:

- The percent of offenders convicted of Murder I that receive the death penalty
- The percent of offenders who are convicted of Murder receive the death penalty

The two measures indicate that Whites are more likely to receive the death penalty than Blacks and the disparity has increased since FY96. From FY85 to FY95 15.7% of Blacks convicted of Murder 1<sup>st</sup> degree received the death sentence compared to 23.8% of Whites. In the period FY96-FY07 5% of Blacks convicted of Murder 1<sup>st</sup> degree received the death sentence compared to 12.3% of Whites. Although the percent of offenders receiving the death sentence has declined the difference between Whites and Blacks has increased as a ratio from 1.51 to 2.44. Since FY96 Whites are more than twice as likely to receive the death sentence than Blacks.

#### **Racial Differences in the Percent of Murder Convictions with the Death Penalty FY85-FY95**

	All Murder	Murder 1st	Death Penalty	Percent Death Penalty	
				Murder	Murder 1st
Black	1,045	235	37	3.5%	15.7%
White	758	214	51	6.7%	23.8%
Total	1,803	449	88	4.9%	19.6%
Ratio: Percent White to Percent Black				1.90	1.51

#### **FY96-FY07**

	All Murder	Murder 1st	Death Penalty	Percent Death Penalty	
				Murder	Murder 1st
Black	1,096	298	15	1.4%	5.0%
White	751	236	29	3.9%	12.3%
Total	1,847	534	44	2.4%	8.2%
Ratio: Percent White to Percent Black				2.82	2.44

Is there a geographical disparity in death penalty cases?

The metro areas have the lowest percent of Murder 1<sup>st</sup> degree offenders sentenced to death (8.9%) but St. Louis County is much more similar to the rural counties. First class counties impose the death sentence most often (24.5%).

**Death Penalty Sentencing by Sentencing County  
FY85-FY07**

Counties	Murder 1st	Death Penalty	Percent Death P.
St. Louis City	170	11	6.5%
St. Louis County	133	24	18.0%
Jackson County	307	19	6.2%
Total Metro	610	54	8.9%
First Class	212	52	24.5%
Rural	175	27	15.4%
TOTAL	997	133	13.3%

Is there a racial disparity by sentencing county in death penalty cases?

During the period FY85-FY07, St. Louis City and the First Class Counties sentenced a higher percentage of Blacks convicted of Murder 1<sup>st</sup> degree to the death penalty than Whites. Whites were more likely to be sentenced to the death penalty in Jackson County and St. Louis County and the percentages were about the same in the rural counties.

**Death Penalty Sentencing By Race and Sentencing County  
FY85-FY07**

Counties	Black			White			Ratio: Percent White to Black
	Murder 1st	Death Penalty	Percent Death P.	Murder 1st	Death Penalty	Percent Death P.	
St. Louis City	120	9	7.5%	48	2	4.2%	0.56
St. Louis County	89	15	16.9%	43	9	20.9%	1.24
Jackson County	263	13	4.9%	41	5	12.2%	2.47
Total Metro	472	37	7.8%	132	16	12.1%	1.55
First Class	35	11	31.4%	173	41	23.7%	0.75
Rural	26	4	15.4%	145	23	15.9%	1.03
TOTAL	533	52	9.8%	450	80	17.8%	1.82

# A RECIDIVISM STUDY OF THE STATIC-99 SEX OFFENDER RISK INSTRUMENT

The Department of Corrections is reviewing the use of the STATIC-99 sex offender risk instrument by the Division of Probation and Parole as part of the Sentencing Assessment report. Because the institutional Missouri Sex Offender Program has been using the STATIC-99 as an initial screening assessment a recidivism study was completed on the offenders who had been assessed on the STATIC-99 and released. The study was completed in April 2007.

## 1. Recidivism Rates and the STATIC-99

A recidivism analysis has been completed for 808 released Missouri sex offenders who have had a STATIC 99 assessment while incarcerated. The STATIC-99 has been routinely completed by the Missouri Sex Offender Program since 2002. Because the earliest release was in 2003 the time period of the recidivism analysis has been restricted to three years. Sex offender recidivism calculations are normally based on 5 years to 15 years. The results indicate that the STATIC 99 assessment is a valid indicator of the likelihood of a return to prison for technical or law violations. As the risk score increases so does the percent of offenders returned. The difficulty in validating the accuracy of any risk instrument by measuring the rate of repeat criminal sexual behavior is the long time period necessary to record new sex convictions. Of the 808 offenders released only five have new sex convictions (0.6% return rate) and three have convictions for failing to register as sex offenders.

**Missouri Releases of Sex Offenders with completed STATIC-99 ( 2003-2007)**

STATIC-99 Risk Level	Released		Time From Release				Percent returned			
	N	Percent	6 mths	12 mths	2 yrs	3 yrs	6 mths	12 mths	2 yrs	3 yrs
Low (0-1)	275	34%	224	167	84	22	9.4	13.2	21.4	18.2
Low-Moderate (2-3)	373	46%	308	252	158	65	12.0	18.7	31.6	32.3
Moderate-High (4-5)	132	16%	106	91	50	19	14.2	25.3	34.0	26.3
High (6+)	28	3%	21	17	12	5	19.0	35.3	41.7	60.0
Total	808	100%	659	527	304	111	11.7	18.6	29.6	29.7

## Other STATIC-99 Validation Studies

Thornton, a co-author of the STATIC-99, has published sex offense recidivism rates based on a sample of 1,086. The five year recidivism rate is 18% and the rate increases to 26% after 15 years.

An internet search found an evaluation study of the STATIC-99 by James Austin of the Institute on Crime, Justice and Corrections for the Pennsylvania Board of Probation and Parole in 2003. The study was based upon 356 sex offenders released to parole in Pennsylvania and tracked for 5 years. The reported recidivism rates indicated that the STATIC assessment was predictive of a return to prison for a violation of supervision but no rates were published for new sexual convictions.

**Pennsylvania Five Year Follow Up Study of Sex Offenders (1995-2001)  
Released to Parole**

STATIC-99 Risk Level	Released		Percent Returned	
	N	Percent	PA 5 yrs	MO 3 yrs
Low (0-1)	85	24%	32.9	21.1
Low-Moderate (2-3)	113	32%	54.9	35.7
Moderate-High (4-5)	99	28%	70.7	31.3
High (6+)	59	17%	61.0	60.0
Total	356	100%	55.1	33.3

For comparison the Missouri STATIC-99 three year rates are shown alongside the Pennsylvania five year rates.

**2. Comparing the STATIC-99 Risk Assessment with the SAR assessments for Sex Offenders**

An important consideration in including the sex offender assessment into the SAR is the impact upon the choice of the recommended sentence and the salient factor risk assessment that is calculated by the SAR writer. Based upon a comparison between the STATIC-99 assessments completed by MOSOP and the SARs so far completed for sex offenders the STATIC-99 risk score will be similar to the Salient Factor risk assessment but more severe than the Prior Criminal History Level that determines the recommended sentence. The STATIC-99 places 34% of offenders in the lowest category compared to 33% of the Salient Factor score and 66% in Level I of the prior criminal history (no prior felonies).

**Risk Distribution of STATIC-99, Prior Criminal History and Risk Scores for SAR sex offenders  
All STATIC-99 assessments by MOSOP and all SARs recorded in the Lotus program**

STATIC-99 Risk Level	STATIC-99		Prior Criminal History			SAR Risk Score		
	N	Percent	Level	N	Percent	Score	N	Percent
Low (0-1)	934	34%	I	403	66%	Good	204	33%
Low-Moderate (2-3)	1,224	45%	II	100	16%	Above Avg.	185	30%
Moderate-High (4-5)	472	17%	III	65	11%	Avg.	136	22%
High (6+)	120	4%	IV	28	5%	Below Avg.	56	9%
			V	13	2%	Poor	28	5%
Total	2,750	100%	Total	609	100%	Total	609	100%

### 3. Validating the individual STATIC 99 risk factors

Although MOSOP has been entering the STATIC-99 total score into a spreadsheet the individual factor scores have not been recorded electronically so based upon a records search of 471 offender files by the research unit the individual scores have been extracted and summed. It is interesting to note that the highest scoring factor is 'Any unrelated victim' that contributed 30% to the total score. Prior sex offenses contributed 8.9% to the total score. Future analysis will be to calculate the recidivism rates for each of the factors to ensure that they all contribute to the total risk score. The Pennsylvania study also found that 'Any unrelated victim' was the highest scoring factor and it was moderately predictive of recidivism. One concern of the Pennsylvania study was the Age scoring. Their analysis suggested that the risk level at 25 years was too low and should be increased to 45 years.

#### **Risk Factor Scoring for MOSOP STATIC-99 Assessments**

Risk Factor	Range	Score	Percent
Young (under 25)	0,1	78	6.6%
Ever Lived With	0,1	168	14.3%
Index Non-sexual violations, any convictions	0,1	55	4.7%
Prior non-sexual violence Any convictions	0,1	116	9.9%
Prior Sex offenses Total Score	0-3	105	8.9%
Prior Sent. Dates	0,1	100	8.5%
Any Convictions for non-contact sex offenses	0,1	28	2.4%
Any Unrelated Victims	0,1	353	30.0%
Any Stranger Victims	0,1	88	7.5%
Any Male Victims	0,1	84	7.1%
Total Score	0-12	1,175	100.0%
STATIC-99 assessments		471	

## RECIDIVISM RATES FOR THE RECOMMENDED SENTENCES

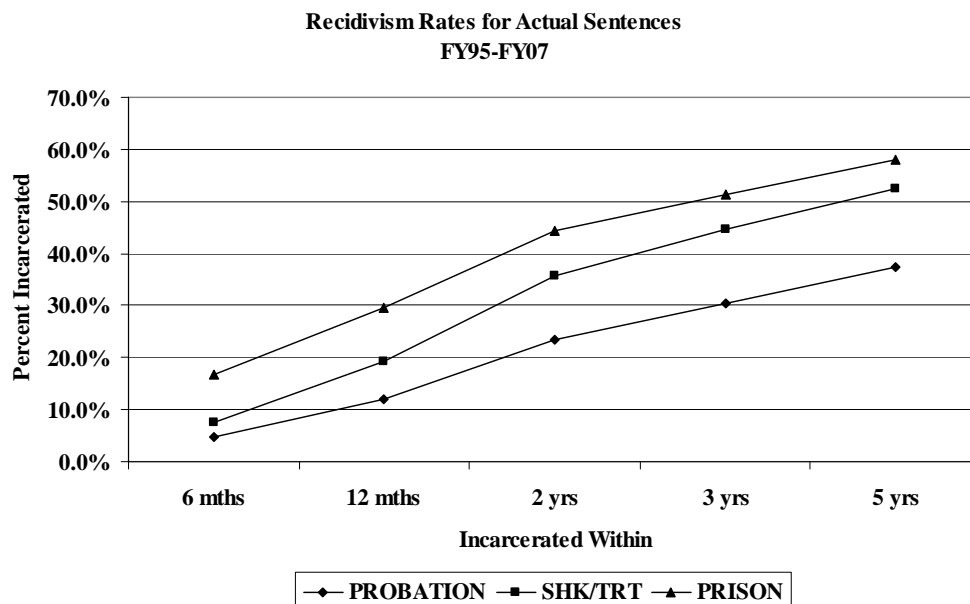
The Sentencing Commission is aware that a prison sentence is not always the sentence that has the best chance of success in reducing future recidivism. Prison can reinforce criminal behavior and permanently damage family, social and employment connections. Identifying alternative non-prison sentences that enable community rehabilitation to occur is an important responsibility for the Commission. The following Commission study on the relationship between the recommended sentences and recidivism is a preliminary investigation into how to develop recommended sentences that extend the range of non-prison sentences that have been demonstrated in Missouri to lower recidivism.

Using the sentencing data in the Department of Corrections OPII database average recidivism rates have been calculated for offenders sentenced between July 1995 and June 2007. Two measures of recidivism are calculated:

- The first incarceration following the start of the new probation or the release from prison. The incarceration may be for a technical violation or for a new sentence.
- The first new conviction following the start of the new probation or release from prison. The new conviction may be a prison or probation sentence.

The calculations are intended to be measures of validity of the recommended sentences - not measures of court compliance because the Recommended Sentences were not published until June 2004 and not implemented until June 2005.

The first step in the study is to establish whether actual sentencing is correlated with future recidivism. There is an expectation that sentencing should reflect recidivism risks and offenders with low risks of recidivism can be sentenced to probation while offenders with high risks of recidivism should be sentenced to prison. This is the case in Missouri. Offenders sentenced to probation do have lower rates of recidivism. Probationers are



### Average Recidivism Rates for New Unrelated Sentences FY95-FY07

Actual Sentence	Sentences	Percent in Prison within					Percent with new conviction within				
		6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
PROBATION	190,391	4.7%	11.9%	23.5%	30.4%	37.5%	0.7%	2.7%	6.8%	10.1%	14.8%
SHK/TRT	34,105	7.6%	19.3%	35.7%	44.7%	52.3%	0.9%	4.3%	11.3%	16.5%	23.3%
PRISON	54,646	16.7%	29.4%	44.3%	51.4%	58.0%	0.8%	3.8%	11.2%	17.2%	27.3%

20% less likely to be later incarcerated than offenders released from prison and the new conviction rate after five years for probationers is half that of prison releases.

Sentencing is, however, the combination of offense severity and prior criminal history and the recommended sentencing model assumes that at a certain level of prior criminal history probation is no longer the low recidivism sentence.

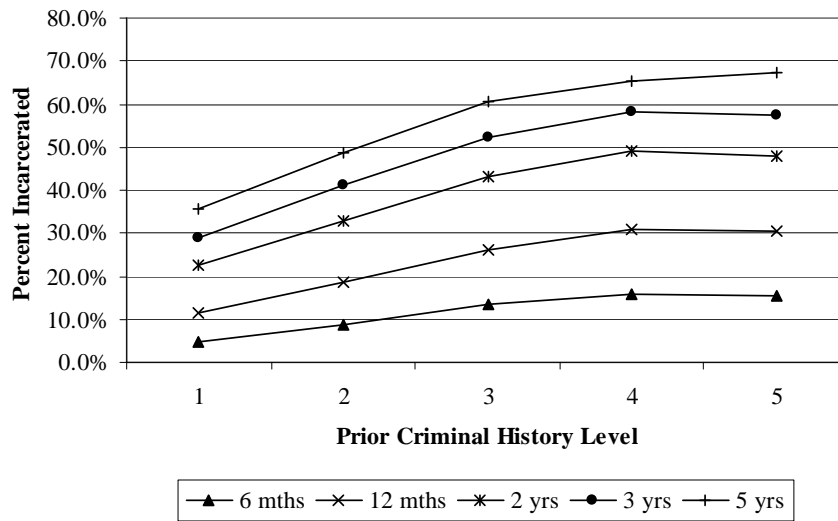
### Recidivism Rates After Two Years by Type of Sentence and Prior Criminal History FY95-FY07

Sentence	Prior Criminal History Level				
	1	2	3	4	5
	No Prior Felonies, no more than 3 misd.	1/2 felonies, no incarceration	1 incarceration or 3 felonies	2 incarcerations or 4 felonies	3+ incarcerations or 5+ felonies
Probation	20.2%	28.2%	38.0%	45.2%	45.1%
Shk/Trt	30.3%	36.9%	42.0%	47.8%	50.1%
Prison	35.6%	43.9%	48.9%	52.8%	48.7%
Total	22.4%	33.7%	43.3%	49.2%	47.9%
Recidivism Gap Probation-Prison	15.4%	15.7%	10.9%	7.5%	3.6%

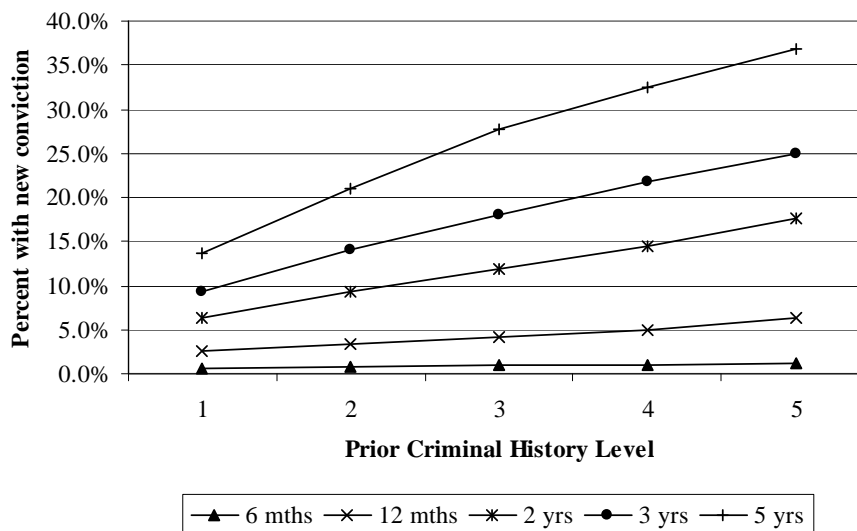
From the analysis of FY95-FY07 new sentencing there is a 15% difference in recidivism after two years between Level 1 and Level 2 offenders sentenced to probation and those sentenced to prison. For Level 5 offenders the gap between probation and prison recidivism is less than 4%. These figures are based upon actual sentencing.

The second step in the study is to test the validity of the prior criminal history measure developed by the Sentencing Commission. The analysis indicates that recidivism increases with increases in the prior criminal history level. The recidivism rate is cumulative from six months to five years from the start of supervision. Although there is little difference in the rates of future incarceration for Level 5 compared to Level 4 the rates of new convictions for Level 5 are higher than Level 4.

### Recidivism Rates and Prior Criminal History First Incarceration, FY95-FY07



### Recidivism Rates and Prior Criminal History New Conviction, FY95-FY07

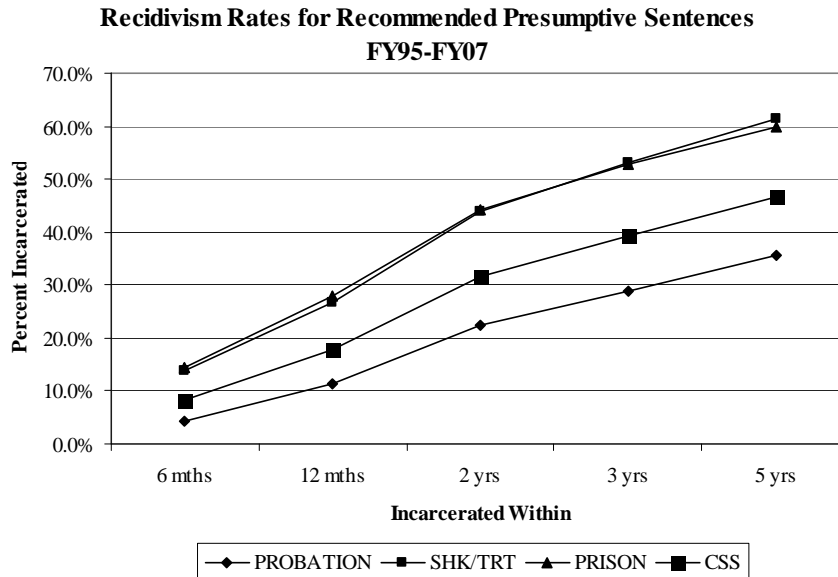


### Average Recidivism Rates for New Unrelated Sentences FY95-FY07

Prior Criminal History Level	Sentences	Percent in Prison within					Percent with new conviction within				
		6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
1	167,183	4.6%	11.5%	22.4%	29.0%	35.7%	0.7%	2.5%	6.3%	9.3%	13.8%
2	54,742	8.8%	18.5%	33.0%	41.0%	48.6%	0.8%	3.3%	9.3%	14.0%	21.0%
3	36,589	13.5%	26.3%	43.3%	52.2%	60.4%	1.0%	4.2%	11.9%	18.0%	27.8%
4	14,080	15.7%	30.8%	49.2%	58.1%	65.5%	1.0%	4.9%	14.4%	21.9%	32.5%
5	6,548	15.4%	30.6%	47.9%	57.4%	67.4%	1.2%	6.3%	17.6%	24.9%	36.9%
Total	279,142	7.3%	16.1%	28.8%	35.9%	42.7%	0.8%	3.1%	8.2%	12.1%	17.9%

DOC OPII data

If the measure of prior criminal history is related to recidivism then it is expected that the recommended sentences should also be related to recidivism. The third test is, therefore, to calculate recidivism rates for the recommended presumptive sentence.



The recidivism rates are lowest under the recommended sentences system when the recommended sentence is probation. The recidivism increases for recommended sentences of Community Structured Supervision (CSS) and are highest for prison and shock and treatment programs. There is little difference in recidivism rates between Shock/Treatment and prison recommended sentences but the recidivism rates for Shock/Treatment are no higher than prison sentences. For actual sentencing (page 46) the re-incarceration rates of offenders sentenced under the 120 day statute are lower than prison re-incarceration rates for all the time periods under review. There is, however, little difference between Shock/Treatment and prison for new conviction rates (page 46).

#### **Average Recidivism Rates and Recommended Presumptive Sentences FY95-FY07**

Recommended Sentence	Sentences	Percent in Prison within					Percent with new conviction within				
		6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
PROBATION	146,574	4.4%	11.3%	22.3%	28.9%	35.7%	0.7%	2.6%	6.5%	9.5%	14.1%
CSS	73,816	8.2%	17.7%	31.5%	39.3%	46.6%	0.7%	3.1%	8.5%	12.9%	19.2%
SHK/TRT	32,498	13.8%	26.7%	44.0%	53.0%	61.5%	1.0%	4.4%	12.5%	18.9%	29.0%
PRISON	24,910	14.3%	27.8%	44.1%	52.7%	59.9%	0.9%	4.5%	12.9%	19.3%	28.4%

#### **Drawing Conclusions from the differences in outcomes between the Recommended Sentences and Actual Sentences**

It is interesting to compare the recidivism rates for actual and recommended sentences and identify the differences in recidivism rates when actual sentences disagree with the recommended sentences.

When the recommended sentence is probation and the actual sentence is also probation, which occurs in 77% of probation recommended sentencing, the recidivism rates are low. When the recommended sentence is Probation and the actual sentence is Prison then the recidivism rates are much higher, whether measured by new incarcerations or new convictions and the rates are similar to the recidivism rates for prison sentences. When the actual sentence is Probation and the recommended sentence is Prison, which occurs in 31% of prison recommended sentencing, the recidivism rates are also high.

- The case where probation was recommended but prison was imposed could be an instance where sending an offender to prison enhances the risk of re-offending and prison was not the best sentence.
- The case where an offender was sentenced to probation when prison was the recommended sentence is an instance where public safety would be better served by greater court compliance.

#### Average Recidivism Rates of Recommended and Actual Sentences

Recommended Sentence	Actual Sentence	Sentences	Percent in Prison within					Percent with new conviction within				
			6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
Probation/CSS	Probation	168,723	4.0%	10.7%	21.8%	28.6%	35.7%	0.7%	2.5%	6.3%	9.4%	13.9%
Probation/CSS	Shk/TRT	24,005	6.8%	17.7%	33.2%	41.9%	49.7%	0.9%	3.8%	10.1%	15.2%	21.6%
Probation/CSS	Prison	27,662	15.0%	26.7%	40.8%	47.3%	53.0%	0.7%	3.3%	9.6%	14.4%	22.5%
Shk/TRT	Probation	12,572	9.9%	21.8%	39.3%	49.0%	58.1%	1.1%	4.4%	11.6%	16.8%	24.8%
Shk/TRT	Shk/TRT	5,443	9.3%	22.7%	41.7%	52.4%	60.9%	1.1%	5.1%	13.5%	19.5%	28.2%
Shk/TRT	Prison	14,483	18.8%	32.6%	49.1%	56.9%	65.1%	1.0%	4.2%	12.9%	20.5%	33.5%
Prison	Probation	7,762	11.3%	23.2%	39.7%	48.9%	55.5%	0.9%	3.9%	11.2%	16.4%	22.2%
Prison	Shk/TRT	4,647	9.4%	24.5%	43.9%	53.2%	60.5%	1.1%	6.1%	16.0%	21.7%	29.4%
Prison	Prison	12,501	18.1%	32.1%	47.2%	55.2%	63.1%	0.8%	4.2%	12.9%	20.4%	33.0%

The Commission is continuing to research how to incorporate alternative non-prison sentences that have greater chances of success in reducing recidivism.

## **APPENDIX A**

### **Average Sentence Statistics by offense from FY2000 to FY2007**

The averages are used to determine the offense severity level within each offense group and felony class. Offenses whose averages are within one standard deviation of the group/felony class average are classed as medium severity. Averages that are above one standard deviation are classed as high severity and those offenses below one standard deviation are classed as low severity. New sentences or sentences with few entries are classed as medium severity.

The sentencing data is extracted from the DOC OPII database and includes the first sentence for unrelated sentences. Related sentences are sentences at the same court and on the same day for the same offender. Where there is more than one related sentence, the most serious sentence is selected. Revocations of sentences are not included. Prison sentences include only sentences for which a term sentence was handed down. Sentences of SES probations and 120 day probation sentences are not included in the sentence length averages.

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
10021	Murder 1st degree	565.020	A	HIGH	348	348	29.8	100.0	VIO
10031	Murder 2nd degree	565.021	A	HIGH	914	905	22.8	99.0	VIO
10035	Murder 2nd degree - vehicular - intoxicated	565.021	A	HIGH	2	2	17.5	100.0	VIO
10041	Voluntary manslaughter	565.023	B	HIGH	196	175	11.2	89.3	VIO
10051	Involuntary manslaughter-1st degree	565.024	C	HIGH	412	248	5.6	60.2	VIO
10052	Involuntary manslaughter-2nd degree	565.024	D	HIGH	94	32	3.8	34.0	VIO
10053	Involuntary manslaughter - vehicular - intoxicated	565.024	C	HIGH	206	91	5.7	44.2	VIO
10054	Involuntary manslaughter - watercraft	306.111	C	LOW	1	0	-	-	VIO
10056	Involr mnsghtr-1st deg-operat veh intxctd cond ca	565.024	B	HIGH	8	6	12.3	75.0	VIO
11005	Forc rape-sexl intrcrse by forc compul-ser phys inj/d	566.030	A	HIGH	14	14	17.8	100.0	SEX
11008	Forcible rape - sexual intercourse by forcible compul	566.030	A	HIGH	46	37	18.7	80.4	SEX
11010	Forcible rape with a weapon or physical injury	566.030	A	HIGH	6	6	22.3	100.0	SEX
11012	Attempt forcible rape-attempt sexual intercourse by	566.030	A	LOW	6	4	12.0	66.7	SEX
11015	Forcible rape	566.030	A	HIGH	62	54	19.9	87.1	SEX
11016	Atmp forc rape-sex intrcrse by for cmpul-ser phys inj	566.030	A	HIGH	4	3	18.3	75.0	SEX
11021	Statutory rape - 1st degree	566.032	A	MED	214	141	15.7	65.9	SEX
11022	Statutory rape - 2nd degree	566.034	C	MED	937	391	5.3	41.7	SEX
11025	Statutory rape-1st degree-sexual intercourse with a p	566.032	A	LOW	247	159	11.5	64.4	SEX
11030	Sexual assault 1st degree - displays a deadly weapo	566.040	B	LOW	1	0	-	-	SEX
11032	Stat rape-1st-sex intr w/per < 14 yr-ser phys inj/dsply	566.032	A	LOW	29	22	12.0	75.9	SEX
11040	Sexual assault	566.040	C	MED	263	109	5.1	41.4	SEX
11050	Sexual assault 2nd degree - displays a deadly weapo	566.050	C	HIGH	1	1	7.0	100.0	SEX
11060	Sexual assault - 2nd degree	566.050	D	LOW	1	0	-	-	SEX
11070	Sodomy - displays a deadly weapon or serious phys	566.060	A	HIGH	8	7	13.9	87.5	SEX
11071	Forcible sodomy - with a deadly weapon or serious p	566.060	A	HIGH	11	10	18.7	90.9	SEX
11075	Forcible sodomy	566.060	A	MED	58	45	17.7	77.6	SEX
11076	Statutory sodomy - 1st degree	566.062	A	MED	384	278	17.3	72.4	SEX
11077	Statutory sodomy - 2nd degree	566.064	C	MED	676	310	5.4	45.9	SEX
11078	Statutory sodomy - 1st degree - serious physical inju	566.062	A	HIGH	1	1	30.0	100.0	SEX
11080	Sodomy	566.060	B	HIGH	6	6	10.3	100.0	SEX
11082	Forc sodmy-dev sex intrcrs by forc compul-ser phys	566.060	A	HIGH	8	7	17.4	87.5	SEX
11084	Forcible sodomy - deviate sexual intercourse by forc	566.060	A	MED	32	25	18.0	78.1	SEX
11088	Attempt forcible sodomy-attempt deviate sexual inte	566.060	A	LOW	4	2	18.0	50.0	SEX
11095	Stat sodomy-1st-dev sex intr w/prs < 14-ser phy inj/d	566.062	A	MED	95	71	16.8	74.7	SEX
11097	Statutory sodomy-1st deg-deviate sexual intercourse	566.062	A	MED	311	239	13.5	76.8	SEX
11098	Atmpt stat sodomy-1st-dev sex w/per<14-ser phys in	566.062	D	LOW	1	0	-	-	SEX
11100	Deviate sexual assault	566.070	C	MED	204	85	5.4	41.7	SEX
11101	Forcible Sodomy	566.060	B	MED	5	3	9.0	60.0	SEX
11110	Deviate sexual assault 2nd degree - displays a dead	566.080	C	HIGH	1	1	7.0	100.0	SEX
11120	Deviate sexual assault - 2nd degree	566.080	D	HIGH	3	2	5.0	66.7	SEX
12010	Robbery - 1st degree	569.020	A	MED	1797	1319	14.8	73.4	VIO
12020	Robbery - 2nd degree	569.030	B	MED	2609	1349	8.8	51.7	VIO
12035	Pharmacy robbery - 1st degree	569.025	A	HIGH	8	8	16.6	100.0	VIO
12045	Pharmacy robbery - 2nd degree	569.035	B	HIGH	9	6	11.2	66.7	VIO
13009	Domestic assault - 1st degree - serious physical inju	565.072	A	LOW	47	27	15.4	57.4	VIO
13011	Assault 1st degree - serious physical injury	565.050	A	MED	510	340	16.5	66.7	VIO
13015	Domestic assault - 1st degree	565.072	B	LOW	170	54	7.5	31.8	VIO
13017	Domestic assault - 3rd degree - 3rd/subsequent ofns	565.074	D	MED	141	35	2.9	24.8	VIO
13020	Assault - 1st degree	565.050	B	MED	822	422	8.8	51.3	VIO
13021	Domestic assault-1st degree-persistent domestic vio	565.072	B	LOW	2	0	-	-	VIO
13024	Domestic assault-2nd degree-prior domestic violenc	565.073	C	LOW	14	2	4.5	14.3	VIO
13025	Domestic assault-1st degree-persistent domestic vio	565.072	A	MED	2	1	25.0	50.0	VIO
13026	Domestic assault-2nd degree-persistent domestic vio	565.073	C	LOW	7	1	2.0	14.3	VIO
13027	Domestic assault-1st degree-prior domestic violence	565.072	A	LOW	4	2	10.0	50.0	VIO
13028	Domestic assault-2nd degree-persistent domestic vio	565.073	A	LOW	1	0	-	-	VIO
13029	Domestic assault - 2nd degree	565.073	C	LOW	2740	619	4.1	22.6	VIO
13030	Assault - 2nd degree	565.060	D	LOW	12	0	-	-	VIO
13031	Assault - 2nd degree	565.060	C	MED	5446	1651	5.0	30.3	VIO
13032	Domestic assault-2nd degree-prior domestic violenc	565.073	B	LOW	4	1	5.0	25.0	VIO
13033	Assault-2nd degree-operate vehicle while intoxicated	565.060	C	LOW	902	153	4.5	17.0	VIO
13034	Assault - watercraft - 2nd degree	306.111	D	LOW	2	0	-	-	VIO
13036	Assault-2nd deg-oper mtr veh w/crim neg in viol Sec	565.060	C	HIGH	1	1	6.0	100.0	VIO
13039	Assault - 3rd degree - with physical injury - 3rd or su	565.070	D	MED	59	14	2.9	23.7	VIO
13045	Assault motivated by discrimination - 3rd degree	557.035	D	LOW	6	0	-	-	VIO
13055	Assault while on school property	565.075	D	LOW	56	4	2.5	7.1	VIO
13060	Assault with intent to commit bus hijacking with a we	578.305	A	LOW	2	0	-	-	VIO
13070	Assault w/intent to commit bus hijacking-possess an	578.305	C	LOW	1	0	-	-	VIO

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
13071	Violence to an employee of DOC or to an inmate by	217.385	B	MED	190	186	7.5	97.9	VIO
13075	Offender abuse by an employee of DOC	217.405	C	MED	2	1	3.0	50.0	VIO
13080	Violence or injury to persons or property by an inmate	217.385	C	HIGH	2	1	5.0	50.0	VIO
13090	Unlawful endangerment of another/production of cor	565.065	C	LOW	1	0	-	-	VIO
13100	Assault/attempt assault on law enforcement officer -	565.081	A	LOW	105	69	18.0	65.7	VIO
13103	Assault/attempt assault on L/E, E/P, P&P (deadly we	565.082	B	LOW	21	7	7.3	33.3	VIO
13110	Assault on law enforcement officer (reckless/serious	565.082	B	LOW	454	221	7.8	48.7	VIO
13113	Assault/attempt assault on L/E, E/P, P&P (by mean	565.082	C	HIGH	42	19	4.7	45.2	VIO
13115	Assault on law enforcement officer while intoxicated	565.082	B	MED	22	9	9.0	40.9	VIO
13127	Assault on L/E, E/P, P&P (reckless/serious physical	565.082	B	LOW	16	6	6.2	37.5	VIO
13130	Tampering with judicial officer	565.084	C	LOW	1	0	-	-	VIO
13133	Assault on L/E, E/P, P&P while intoxicated (alcohol/k	565.082	B	LOW	4	0	-	-	VIO
13137	Assault/attempt assault on emrgncy persnl (by mean	565.082	C	HIGH	5	3	5.3	60.0	VIO
13140	Assault/attempt assault on law enforcement officer (	565.082	B	HIGH	10	5	10.0	50.0	VIO
13142	Assault/attempt assault on law enforcement officer	565.082	C	LOW	39	14	4.2	35.9	VIO
13143	Assault on L/E, E/P, P&P (purpose/reckless place pe	565.082	C	LOW	42	11	4.0	26.2	VIO
13144	Assault on emergency personnel (criminal negligenc	565.082	C	HIGH	2	1	5.0	50.0	VIO
13145	Assault on L/E, E/P, P&P (criminal negligence-mear	565.082	C	MED	31	8	5.0	25.8	VIO
13146	Assault on law enforcement officer (criminal neglig	565.082	C	MED	4	3	4.0	75.0	VIO
13147	Assault on L/E, E/P, P&P (crim neglignc-create risk	565.082	C	MED	16	7	4.1	43.8	VIO
13148	Assault on emergency personnel (crim neglig-create r	565.082	C	HIGH	3	2	5.0	66.7	VIO
13150	Assault on law enforcement officer (crim neglignc-cr	565.082	C	HIGH	30	14	4.9	46.7	VIO
13152	Assault on law enforcement officer (purpose/reckless	565.082	C	MED	25	9	5.2	36.0	VIO
13154	Assault on emergency personnel (purpose/reckless p	565.082	C	HIGH	4	3	6.0	75.0	VIO
13156	Endanger correction employee/vistr/another offndr by a	565.085	D	HIGH	16	9	3.0	56.3	VIO
13160	Endangr corrections employee/visitr/another offendr b	565.085	C	MED	3	2	3.0	66.7	VIO
14010	Burglary - 1st degree	569.160	B	MED	1883	531	8.0	28.2	NVI
14020	Burglary - 2nd degree	569.170	C	HIGH	12648	3169	4.6	25.1	NVI
14030	Possession of burglary tools	569.180	D	HIGH	224	94	3.9	42.0	NVI
15010	Stealing - value \$150 or more	570.030	C	MED	7764	1369	4.3	17.6	NVI
15011	Stealing over \$150 - coercion or deceit	570.030	C	LOW	14	0	-	-	NVI
15012	Theft of anhydrous ammonia	570.030	D	HIGH	170	42	4.0	24.7	NVI
15014	Theft of anhydrous ammonia by truck, trailer, rail tar	570.030	A	MED	16	1	10.0	6.3	NVI
15015	Theft/attempt theft of anhydrous ammonia or liquid r	570.030	C	MED	166	42	4.2	25.3	NVI
15016	Theft of ammonium nitrate	570.030	C	MED	21	7	3.9	33.3	NVI
15017	Theft/stealing any controlled substance as defined b	570.030	C	MED	112	9	4.8	8.0	NVI
15018	Theft/stealing (value of property or services is \$25,0	570.030	B	LOW	133	15	6.5	11.3	NVI
15019	Theft/attempt theft of anhydrous ammonia or liquid r	570.030	B	LOW	95	16	7.0	16.8	NVI
15020	Stealing a motor vehicle	570.030	C	MED	1512	379	4.2	25.1	NVI
15021	Theft/stealing (value of property or services is \$500	570.030	C	MED	6628	1234	4.2	18.6	NVI
15022	Stealing a watercraft or aircraft	570.030	C	LOW	11	1	2.0	9.1	NVI
15023	Theft/stealing of any firearm	570.030	C	MED	86	16	4.4	18.6	NVI
15024	Theft of any historical document (value \$500 or mor	570.030	C	LOW	1	0	-	-	NVI
15025	Theft/stealing of any credit card or letter of credit	570.030	C	MED	374	70	4.4	18.7	NVI
15026	Theft/attempt theft of anhydrous ammonia or liquid r	570.030	C	HIGH	8	4	4.8	50.0	NVI
15027	Theft/stealing of any animal of the species of horse/k	570.030	C	LOW	15	2	3.0	13.3	NVI
15028	Theft/attempt theft of anhydrous ammonia or liquid r	570.030	B	LOW	15	4	6.8	26.7	NVI
15029	Theft/stealing of live fish raised for commercial sale	570.030	C	LOW	4	0	-	-	NVI
15031	Livestock theft in excess of \$3000 in value - prior of	570.030	B	LOW	2	0	-	-	NVI
15032	Stealing animals	570.033	D	MED	54	9	3.3	16.7	NVI
15034	Stealing - 3rd ofns	570.040	C	HIGH	514	241	4.8	46.9	NVI
15035	Stealing related ofns - 3rd ofns	570.040	C	HIGH	285	113	4.5	39.6	NVI
15036	Stealing related ofns - 3rd ofns (stealing, buying, rec	570.030	D	HIGH	185	91	3.1	49.2	NVI
15038	Physically take property appropriated from victim	570.030	C	MED	101	22	4.5	21.8	NVI
15039	Theft/stealing U.S. flag designed, intended & used fo	570.030	C	LOW	1	0	-	-	NVI
15041	Stealing motor vehicle - 3rd/subsequent stealing-rela	570.030	B	LOW	2	0	-	-	NVI
15044	Theft/stealing any orig copy of act, bill, resolution, in	570.030	C	LOW	1	0	-	-	NVI
15046	Theft/stealing-pleading, notice, judgmnt, any othr rec	570.030	C	LOW	9	0	-	-	NVI
15048	Theft/stealing any book of registration/list of voters r	570.030	C	LOW	2	0	-	-	NVI
15050	Remove baggage from bus or terminal without owne	578.330	D	LOW	3	0	-	-	NVI
15060	Theft of cable TV - over \$150	570.300	C	MED	3	1	2.0	33.3	NVI

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
15065	Theft/attempted theft of cable TV services - \$500 or more	570.300	C	LOW	4	0	-	-	NVI
15080	Stealing grain	411.770	C	LOW	15	2	2.0	13.3	NVI
15090	Library theft - over \$150	570.210	C	LOW	2	0	-	-	NVI
15095	Library theft - \$500 or more	570.210	C	HIGH	2	1	4.0	50.0	NVI
15103	Library theft/deface/destroy (\$500-\$25,000)	570.210	C	LOW	1	0	-	-	NVI
15110	Misapplication of funds of financial institution - over \$150	570.217	C	MED	9	1	6.0	11.1	NVI
15120	Misapplication of funds of financial institution	570.217	D	LOW	2	0	-	-	NVI
15130	Making false entries in records of financial institution	570.219	D	LOW	5	0	-	-	NVI
15140	Check kiting	570.220	C	MED	41	7	5.1	17.1	NVI
15152	Unauthorized recording-more than 1000 articles/unauthorized	570.225	D	LOW	1	0	-	-	NVI
15212	Causing loss to or theft from animal facility \$300 to \$500	578.409	D	LOW	2	0	-	-	NVI
16010	Kidnapping	565.110	A	MED	71	52	17.7	73.2	VIO
16020	Kidnapping-facilitating a felony or flight thereafter- in	565.110	B	HIGH	264	190	10.6	72.0	VIO
16030	Felonious restraint	565.120	C	HIGH	612	321	5.4	52.5	VIO
16040	False imprisonment - removed from state	565.130	D	HIGH	6	2	5.0	33.3	VIO
16060	Interference with custody - removed from state or co	565.150	D	MED	24	5	3.0	20.8	VIO
16080	Parental kidnapping	565.153	D	MED	28	4	3.5	14.3	VIO
16090	Child abduction	565.156	D	MED	25	2	4.0	8.0	VIO
17010	Arson 1st degree	569.040	B	LOW	134	38	7.7	28.4	VIO
17012	Arson 1st degree - injury or death	569.040	A	MED	3	1	30.0	33.3	VIO
17020	Arson 2nd degree	569.050	C	HIGH	449	142	5.0	31.6	NVI
17022	Arson 2nd degree - injury or death	569.050	B	LOW	4	0	-	-	VIO
17030	Knowingly burning or exploding	569.055	D	HIGH	303	63	3.7	20.8	NVI
18010	Forgery	570.090	C	MED	11335	2699	4.1	23.8	NVI
18011	Counterfeiting	570.103	C	HIGH	40	8	4.8	20.0	NVI
18012	Counterfeiting	570.103	D	LOW	12	0	-	-	NVI
18020	Possession of a forging instrument	570.100	C	LOW	63	13	3.8	20.6	NVI
18040	Filing another's medical license as own or forging aff	334.250	C	HIGH	2	1	4.0	50.0	NVI
19010	Passing bad check - over \$150 - no account/insuff fu	570.120	D	MED	3403	470	3.3	13.8	NVI
19011	Passing bad check - \$500 or more - no account/insu	570.120	D	MED	2021	279	3.1	13.8	NVI
19013	Passing bad check - \$500 or more - no account/insu	570.120	C	LOW	506	51	3.8	10.1	NVI
19015	Fraudulently stop payment of an instrument over \$15	570.125	D	LOW	23	1	2.0	4.3	NVI
19016	Fraudulently stop payment of an instrument/s - value	570.125	D	HIGH	15	2	4.0	13.3	NVI
19030	Fraudulent use of credit/debit device (value of \$500	570.130	D	HIGH	1053	181	3.5	17.2	NVI
19042	Defrauding of credit card holder - issuer or acquirer	407.436	D	MED	9	2	3.0	22.2	NVI
19045	Deceptive business practice	407.020	D	HIGH	21	7	4.4	33.3	NVI
19080	Defrauding secured creditors - \$500 or more	570.180	D	HIGH	67	6	3.8	9.0	NVI
19146	Employee states on withholding form that child supp	285.308	D	LOW	1	0	-	-	NVI
19150	Unlawfully obtaining public assistance benefits	205.967	D	LOW	9	0	-	-	NVI
19173	Sale/possession of equipment or parts with altered id	301.390	D	MED	30	9	2.6	30.0	NVI
19180	Viol of Sec 301.400 re removal of manufacturer's num	301.400	C	HIGH	9	2	5.5	22.2	NVI
19190	Remove or deface manufacturer's number on special	301.401	D	LOW	4	0	-	-	NVI
19214	Odometer fraud - 2nd degree	407.521	D	LOW	2	0	-	-	NVI
19245	Falsifying odometer reading	407.536	D	LOW	1	0	-	-	NVI
19253	Identity theft (value \$5,001 - \$50,000)	570.223	B	LOW	1	0	-	-	NVI
19254	Identity theft (value \$10,000 - \$100,000)	570.223	B	MED	3	2	5.0	66.7	NVI
19255	Identity theft (value \$501 - \$5,000)	570.223	C	LOW	21	5	2.8	23.8	NVI
19256	Identity theft (value \$501 - \$10,000)	570.223	C	LOW	9	2	3.0	22.2	NVI
19264	Trafficking in stolen identities	570.224	B	LOW	2	0	-	-	NVI
19300	Engage in fraud/misrepresentation in the offer, sale,	409.5501	D	LOW	7	0	-	-	NVI
19305	Make false/misleading statement or material omissio	409.5505	D	LOW	2	0	-	-	NVI
19320	Offer/sell security that is not a federally covered sec	409.3301	C	HIGH	3	2	6.5	66.7	NVI
19365	Violation of order prohibiting unlawful merchandising	407.095	D	LOW	1	0	-	-	NVI
19367	Engaging in pyramid sales schemes	407.420	D	LOW	3	0	-	-	NVI
19368	Unlawful merchndise practice misrep/unfair pract in c	407.020	D	HIGH	42	9	4.1	21.4	NVI
19400	Issuing fraudulent lien waiver	429.012	C	LOW	1	0	-	-	NVI
19420	Falsifying owner's signature on consent for mechan	429.013	C	LOW	2	0	-	-	NVI
19430	Lien fraud - over \$500	429.014	C	LOW	7	0	-	-	NVI
19600	Unlawfully receiving food stamps - over \$150	578.377	D	LOW	1	0	-	-	NVI
19605	Unlawfully receiving food stamps/ATP card - \$500 o	578.377	D	LOW	3	0	-	-	NVI
19620	Unlawful conversion of food stamps - over \$150	578.379	D	LOW	1	0	-	-	NVI
19640	Unlawful transfer of food stamps - over \$150	578.381	D	MED	2	1	2.0	50.0	NVI
19655	Doing business as food stamp vendor without licens	205.965	D	LOW	1	0	-	-	NVI
19660	Perjury in application for public assistance - over \$15	578.385	D	LOW	1	0	-	-	NVI
19665	Perjury in application for public assistance - \$500 or	578.385	D	HIGH	3	1	4.0	33.3	NVI
19690	Violations in obtaining public assistance - 3rd ofns	578.389	C	LOW	1	0	-	-	NVI
19725	Offering bribe to health facilities review committee -	197.326	D	LOW	1	0	-	-	NVI

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
19772	Filing a false insurance statement	374.216	C	LOW	1	0	-	-	NVI
19775	Commission of fraudulent insurance act	375.991	D	LOW	7	0	-	-	NVI
19776	Make a false statement/certificate/entry in insurance	374.210	D	MED	6	1	3.0	16.7	NVI
19778	Using funds of insurance company for private gain	375.390	D	HIGH	2	1	3.0	50.0	NVI
19779	Commission of fraudulent insurance act - prior offense	375.991	C	LOW	1	0	-	-	NVI
19870	Misappropriation of funds of elderly nursing home resident	198.097	D	LOW	6	0	-	-	NVI
19880	Financial exploitation of an elderly/disabled person (prior offense)	570.145	C	LOW	5	0	-	-	NVI
19882	Financial exploitation of elder/disabled person (prior offense)	570.145	B	MED	2	2	7.0	100.0	NVI
19883	Financial exploitation of elderly/disabled person (prior offense)	570.145	B	LOW	5	0	-	-	NVI
19884	Financial exploitation of an elder/disabled person (prior offense)	570.145	C	LOW	3	0	-	-	NVI
19886	Financial exploitation of an elder/disabled person (prior offense)	570.145	D	HIGH	2	1	3.0	50.0	NVI
20010	Gambling professional player	572.020	D	LOW	1	0	-	-	NVI
20040	Promoting gambling - 1st degree	572.030	D	LOW	7	0	-	-	NVI
20060	Possession of gambling records - 1st degree	572.050	D	LOW	2	0	-	-	NVI
20110	Altering lottery tickets	313.290	C	LOW	1	0	-	-	NVI
20120	Manufacturing or possessing counterfeit lottery tickets	313.290	D	LOW	1	0	-	-	NVI
20260	Violation of laws pertaining to river boat gambling (juvenile)	313.830	D	MED	15	1	3.0	6.7	NVI
20280	Violation of laws pertaining to river boat gambling over 18	313.004	D	LOW	1	0	-	-	NVI
21015	Prostitution - persistent offender	567.020	D	LOW	14	3	2.3	21.4	NVI
21030	Promoting prostitution - 1st degree	567.050	B	LOW	2	0	-	-	NVI
21040	Promoting prostitution - 2nd degree	567.060	C	MED	24	6	4.0	25.0	NVI
21050	Promoting prostitution - 3rd degree	567.070	D	HIGH	43	5	3.8	11.6	NVI
21055	Actor knowingly infected with HIV performed an act of prostitution	567.020	B	MED	1	1	6.0	100.0	NVI
22011	Sexual misconduct-1st degree-prev conviction under Chp 566	566.090	D	HIGH	58	25	4.0	43.1	SEX
22020	Sexual abuse - 1st degree - displays a deadly weapon	566.100	C	LOW	1	0	-	-	SEX
22021	Sex abuse-ser phys injry/dsply deadly weapn-dangr to life	566.100	B	LOW	22	6	7.5	27.3	SEX
22022	Sexual abuse	566.100	C	MED	106	38	5.2	35.8	SEX
22025	Sexual misconduct involving a child - 1st degree	566.083	D	MED	180	52	3.7	28.9	SEX
22027	Sexual misconduct involving a child under 14 - 1st degree	566.083	D	LOW	16	1	4.0	6.3	SEX
22030	Sexual abuse - 1st degree	566.100	D	HIGH	11	2	5.0	18.2	SEX
22035	Sexual misconduct involving a child - 2nd/sub offense	566.083	C	LOW	20	3	4.0	15.0	SEX
22037	Sexual misconduct involving a child under 14 - 2nd degree	566.083	C	MED	2	1	4.0	50.0	SEX
22045	Sexual exploitation of a minor child	573.023	A	HIGH	5	5	15.0	100.0	SEX
22055	Sexual exploitation of a minor	573.023	B	LOW	9	4	9.5	44.4	SEX
22090	Incest	568.020	D	HIGH	36	13	4.4	36.1	SEX
22100	Child molestation - 1st degree - displays a deadly weapon	566.067	B	HIGH	22	18	9.2	81.8	SEX
22102	Child molestation-1st deg-prev conviction under Chp 566	566.067	A	HIGH	15	10	20.2	66.7	SEX
22105	Child molestation - 1st degree	566.067	C	MED	290	119	5.6	41.0	SEX
22107	Child molestation - 1st degree	566.067	B	MED	443	281	8.8	63.4	SEX
22110	Child molestation-2nd deg-prev conviction under Chp 566	566.068	D	HIGH	16	6	3.7	37.5	SEX
22130	Sexual contact with prisoner or offender by probation officer	566.145	D	LOW	12	0	-	-	SEX
22145	Attempt to entice a child (actor 21 yrs of age or older)	566.151	D	LOW	5	1	1.0	20.0	SEX
22200	Use of child in sexual performance - serious emotional distress	568.080	B	MED	3	1	14.0	33.3	SEX
22205	Use of child in sexual performance	568.080	C	LOW	15	4	3.8	26.7	SEX
22206	Promoting a sexual performance by a child	568.090	C	HIGH	5	3	5.3	60.0	SEX
22310	Illegal deviate sexual intercourse w/res of skilled nursing home	565.200	D	HIGH	1	1	4.0	100.0	SEX
22330	Fail to register w/ law enforcmnt as req under Sec 589.425	589.425	C	LOW	9	3	3.3	33.3	SEX
22332	Fail to register w/law enforcmnt req under Sec 589.425	589.425	D	LOW	40	13	2.6	32.5	SEX
22333	Fail to submit offender registration form to chief law enforcement officer	589.425	D	MED	3	3	2.7	100.0	SEX
22336	Include false info in an offender registration statement	589.425	D	MED	4	3	2.3	75.0	SEX
22337	Include false info in offender registration statement - 1st degree	589.425	D	HIGH	1	1	4.0	100.0	SEX
22338	Fail to timely verify info in registration statement as required	589.425	C	MED	1	1	4.0	100.0	SEX
22340	Fail to timely verify info in registration statement as required	589.425	D	MED	7	3	1.7	42.9	SEX
22341	Fail to timely verify info made in statement for offender	589.425	D	LOW	5	1	2.0	20.0	SEX
22342	Failure of offndr to inform chief law enforcement officer	589.425	C	HIGH	3	1	6.0	33.3	SEX
22344	Failure of offndr to inform chief law enforcement officer	589.425	D	LOW	9	1	2.0	11.1	SEX
22345	Failure of offndr to inform law enforcement of new address	589.425	D	HIGH	1	1	4.0	100.0	SEX
22348	Failure of offndr to inform law enforcmnt of chg in enr	589.425	D	LOW	2	0	-	-	SEX
22350	Prior offndr reside w/in 1000 ft of school/child care facility	566.147	B	LOW	2	1	7.0	50.0	SEX
22352	Prior offndr reside w/in 1000 ft of school/child care facility	566.147	D	LOW	27	5	3.0	18.5	SEX
22354	Fail to notify sheriff of prior residency w/in 1000 ft of school	566.147	D	MED	3	1	3.0	33.3	SEX
22365	FI to reg as sex offndr/589.400-.425-undrlyng ofns u	589.425	D	LOW	12	2	2.5	16.7	SEX
22370	Fail to register as a sex offender pursuant to Secs 589.400-.425	589.425	D	MED	5	5	2.8	100.0	SEX
23010	Tampering with service of utility or institution - 1st degree	569.080	C	HIGH	542	257	4.1	47.4	NVI
23012	Tampering-1st degree	569.060	C	LOW	110	14	4.1	12.7	NVI
23013	Tampering with motor vehicle - 1st degree	569.080	C	LOW	797	186	3.9	23.3	NVI
23014	Tampering with airplane/motorboat - 1st degree	569.080	C	HIGH	176	67	4.2	38.1	NVI
23015	Tampering with motor vehicle, airplane, motor boat, or aircraft	569.080	C	LOW	5271	1364	4.0	25.9	NVI
23020	Tampering with utility meter - 2nd and subsequent offenses	569.090	D	HIGH	10	1	4.0	10.0	NVI
23031	Tampering with property of another, motivated by dishonesty	557.035	D	MED	11	4	2.8	36.4	NVI

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
23036	Tampering with property of another - 2nd degree (prior co	569.090	C	MED	2	1	1.0	50.0	NVI
23038	Tampering with airplane/motor boat - 2nd degree (prior co	569.090	C	LOW	1	0	-	-	NVI
23039	Tampering with motor vehicle - 2nd degree (prior co	569.090	C	HIGH	2	1	5.0	50.0	NVI
23042	Tampering with computer data to defraud or obtain p	569.095	D	LOW	1	0	-	-	NVI
23043	Tampering with computer data to defraud or obtain p	569.095	D	LOW	2	0	-	-	NVI
23063	Tampering with computer equipment, computer, sys	569.097	C	LOW	2	0	-	-	NVI
23064	Tampering with computer equipment--value \$150 to	569.097	D	LOW	4	0	-	-	NVI
23106	Property damage motivated by discrimination - 1st d	557.035	C	LOW	8	0	-	-	NVI
23108	Property damage motivated by discrimination - 2nd d	557.035	D	HIGH	5	1	4.0	20.0	NVI
23110	Property damage 1st degree	569.100	D	MED	1367	194	3.2	14.2	NVI
23137	Trespass motivated by discrimination - 1st degree	557.035	D	HIGH	2	1	4.0	50.0	NVI
23200	Institutional vandalism-over \$10,000 damage	574.085	C	HIGH	2	1	5.0	50.0	NVI
23220	Institutional vandalism-\$2,000 to \$10,000	574.085	D	HIGH	6	2	3.5	33.3	NVI
23225	Institutional vandalism - over \$5000	574.085	C	LOW	8	0	-	-	NVI
23230	Institutional vandalism - \$1000 - \$5000	574.085	D	LOW	3	0	-	-	NVI
23241	Damage to a DOC building or property by an inmate	217.385	C	MED	13	13	3.4	100.0	NVI
23245	Damage to jail/jail property	221.353	D	HIGH	156	69	3.0	44.2	NVI
23274	Violate Sec 578.416 regarding crop loss - \$501-\$1,0	578.418	D	LOW	1	0	-	-	NVI
24010	Receiving stolen property-over \$150	570.080	C	MED	1721	388	4.1	22.5	NVI
24015	Receiving stolen property - \$500 or more/or as a dea	570.080	C	MED	1336	313	4.0	23.4	NVI
24030	Altering or removing item number to deprive lawful o	570.085	D	HIGH	14	3	3.7	21.4	NVI
24035	Altering or removing item number to deprive lawful o	570.085	D	HIGH	2	1	4.0	50.0	NVI
24100	Failure to return leased or rented property--value ov	578.150	C	LOW	225	38	3.6	16.9	NVI
24105	Failure to return leased or rented property - value of	578.150	C	LOW	154	21	3.1	13.6	NVI
25010	Promoting obscenity-1st degree	573.020	D	LOW	5	1	3.0	20.0	SEX
25027	Possession of child pornography-2nd ofns	573.037	C	LOW	1	0	-	-	SEX
25029	Possession of child pornography	573.037	D	HIGH	30	14	3.8	46.7	SEX
25032	Furnishing pornographic material to minor - 2nd ofns	573.040	D	HIGH	3	2	3.5	66.7	SEX
25050	Promoting child pornography 1st degree	573.025	B	MED	15	5	10.2	33.3	SEX
25060	Promoting child pornography - 2nd degree	573.035	D	HIGH	1	1	4.0	100.0	SEX
25063	Promoting child pornography - 2nd degree	573.035	C	LOW	7	2	3.5	28.6	SEX
25065	Knowingly promote child pornography to a minor - 1s	573.025	A	MED	1	1	12.0	100.0	SEX
26020	Abandonment of child	568.030	D	LOW	2	0	-	-	SEX
26021	Abandonment of child - 1st degree	568.030	B	LOW	2	0	-	-	SEX
26022	Abandonment of child - 2nd degree	568.032	D	MED	2	1	2.0	50.0	SEX
26030	Non-support leave state	568.040	D	LOW	17	0	-	-	NVI
26031	Nonsupport in each of six individual months within a	568.040	D	MED	10288	725	3.0	7.0	NVI
26045	Endangering welfare of child - 1st degree	568.045	C	LOW	745	120	4.0	16.1	SEX
26048	Endangering welfare of child in ritual/ceremony-1st d	568.045	B	LOW	4	1	4.0	25.0	SEX
26051	Endangering welfare of child in ritual/ceremony - 1st	568.045	C	LOW	50	12	4.5	24.0	SEX
26052	Endangering welfare of child, 1st degree	568.045	D	MED	1000	158	3.6	15.8	SEX
26053	Endangering welfare of child in ritual/ceremony, 2nd	568.050	D	LOW	53	9	2.7	17.0	SEX
26054	Abuse of child - resulting in death	568.060	A	HIGH	18	16	21.3	88.9	SEX
26055	Abuse of child-serious emotional injury	568.060	B	HIGH	27	21	10.5	77.8	SEX
26058	Endangring welfare of a child-2nd degree (intoxicatio	568.050	D	LOW	5	0	-	-	SEX
26063	Abuse of child	568.060	C	LOW	587	110	4.8	18.7	SEX
26071	Child molestation - 1st degree - displays a deadly we	566.067	B	HIGH	1	1	10.0	100.0	SEX
26072	Child molestation--1st degree	566.067	C	HIGH	6	2	7.0	33.3	SEX
26083	Violation of order of protection for adult - 2nd ofns	455.085	D	HIGH	254	66	3.1	26.0	NVI
26091	Use of child in sexual performance--serious emotion	568.080	B	LOW	3	1	8.0	33.3	SEX
26160	Unlawfully surrender custody/transfr custody of minor c	453.110	D	LOW	4	1	2.0	25.0	NVI
26165	Elder abuse - 1st degree	565.180	A	LOW	2	1	15.0	50.0	VIO
26170	Elder abuse - 2nd degree	565.182	B	LOW	6	3	6.0	50.0	VIO
26180	Having custody of a child in violation of Sec 453.005	453.112	D	LOW	1	0	-	-	NVI
27020	Resisting/interfering with arrest for a felony	575.150	D	HIGH	1018	399	3.2	39.2	NVI
27025	Resisting arrest/detention/stop by fleeing - creating a	575.150	D	HIGH	163	43	3.2	26.4	NVI
27035	Resist arrest by fleeing-creating substantial risk of se	575.150	D	MED	253	87	2.9	34.4	NVI
28010	Escape from commitment	575.195	D	LOW	9	2	2.5	22.2	NVI
28030	Escape or attempted escape from custody while und	575.200	D	HIGH	65	34	3.1	52.3	NVI
28051	Escape or attempted escape from the DOC	575.210	B	MED	27	21	7.0	77.8	NVI
28055	Escape or attempted escape from confinement by st	575.210	C	MED	4	3	2.7	75.0	VIO
28065	Escape or attempted escape from confinement	575.210	D	HIGH	102	74	3.3	72.5	NVI
28080	Failure to return to confinement to DOC	575.220	D	MED	52	36	2.5	69.2	NVI
28100	Aiding escape of prisoner by using deadly weapon o	575.230	B	LOW	2	0	-	-	VIO
28110	Aiding escape of prisoner confined for a felony	575.230	D	HIGH	7	2	3.0	28.6	NVI
28115	Aiding escape of prisoner confined for felony	575.230	B	LOW	4	0	-	-	NVI
29010	Concealing a felony	575.020	D	LOW	6	1	2.0	16.7	NVI
29030	Hindering prosecution of felony	575.030	D	MED	133	18	3.2	13.5	NVI
29050	Perjury in criminal trial to secure conviction of murder	575.040	A	LOW	1	0	-	-	NVI
29060	Perjury in criminal trial to secure non-murder felony	575.040	B	LOW	4	0	-	-	NVI

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
29070	Perjury in a procedure involving felony charge	575.040	C	HIGH	16	4	5.0	25.0	NVI
29075	Perjury in a procedure not involving felony	575.040	D	HIGH	8	2	3.5	25.0	NVI
29110	Tampering with physical evidence in felony prosecution	575.100	D	HIGH	92	26	3.9	28.3	NVI
29217	Tampering with judicial officer	565.084	C	HIGH	34	23	4.1	67.6	NVI
29220	Tampering with judicial proceeding	575.260	C	LOW	12	3	3.7	25.0	NVI
29230	Tampering with victim/witness or attempt tampering	575.270	C	LOW	62	16	3.9	25.8	NVI
29260	Acceding to corruption-witness prosecution	575.280	D	LOW	2	0	-	-	NVI
29320	Bribery of a public servant	576.010	D	HIGH	13	1	5.0	7.7	NVI
29330	Acceding to corruption by a public servant	576.020	D	LOW	9	1	2.0	11.1	NVI
29370	Failure to appear - felony	544.665	D	HIGH	178	94	3.0	52.8	NVI
29409	Tampering with electronic monitoring equipment	575.205	C	HIGH	6	3	4.7	50.0	NVI
31010	Armed criminal action	571.015	U	MED	86	85	5.6	98.8	VIO
31015	Unlawful use of weapon motivated by discrimination	557.035	C	LOW	30	2	3.0	6.7	NVI
31020	Unlawful use of a weapon (subsec 1 - 4)	571.030	D	MED	5094	709	3.3	13.9	NVI
31040	Unlawful transfer of weapon to felon, fugitive, addict	571.060	D	HIGH	23	2	5.0	8.7	NVI
31070	Unlawful possession of a concealable firearm	571.070	C	HIGH	65	20	4.1	30.8	NVI
31075	Knowingly poss explosive, incendiary or poisonous s	571.020	C	LOW	9	1	3.0	11.1	NVI
31080	Unlawful possession, transport, manufacture, repair	571.020	C	LOW	182	21	4.1	11.5	NVI
31127	Carry loaded firearm/weapon into any school, onto s	571.030	D	LOW	14	0	-	-	NVI
31147	Discharge/shoot firearm at or from mtr veh/shoot at	571.030	B	HIGH	2	1	12.0	50.0	VIO
31149	Discharge/shoot firearm at or from mtr veh/shoot at	571.030	B	LOW	2	0	-	-	VIO
31151	Dischrg/shoot firearm at or from mtr veh, shoot at pe	571.030	A	LOW	8	7	10.7	87.5	VIO
31152	Discharge/shoot firearm at or from mtr veh/shoot at	571.030	B	LOW	36	14	9.3	38.9	VIO
31154	Aiding/abetting a person dischrg/shooting firearm at	571.030	B	HIGH	4	4	8.8	100.0	VIO
31160	Threatening to place bomb or explosive at or near b	578.310	C	LOW	1	0	-	-	NVI
31162	Possess/discharge loaded firearm/projectile weapon	571.030	D	LOW	98	8	2.9	8.2	NVI
31170	Possession of weapon, explosive or hazardous mate	578.320	C	LOW	1	0	-	-	NVI
31180	Delivery or possession of weapon at a correctional fa	217.360	B	MED	32	31	7.3	96.9	VIO
31182	Deliver/attempt to deliver/poss/deposit/conceal gun/	217.360	B	MED	13	10	7.4	76.9	VIO
31195	Delivery or possession of weapon at county jail	221.111	B	MED	22	15	8.3	68.2	VIO
32040	Drug violation - possession	195.020	A	MED	17	2	11.5	11.8	DRG
32070	Drug violation - sell	195.020	D	LOW	5	0	-	-	DRG
32255	Keeping or maintaining a public nuisance	195.130	C	HIGH	93	15	5.1	16.1	DRG
32320	Delivery or possession of controlled substance at a c	217.360	C	MED	368	199	3.2	54.1	DRG
32322	Deliver/atmpt to del/poss/deposit/conceal contrld s	217.360	C	MED	180	107	3.7	59.4	DRG
32327	Delivery or possession of a controlled substance at a	221.111	C	MED	227	80	3.9	35.2	DRG
32448	Possession of controlled substance except 35 grams	195.202	A	MED	87	26	12.3	29.9	DRG
32449	Possession of controlled substance except 35 grams	195.202	B	MED	276	45	8.2	16.3	DRG
32450	Possession of controlled substance except 35 grams	195.202	C	MED	44306	6221	4.2	14.0	DRG
32460	Fraudulently attempting to obtain controlled substan	195.204	D	LOW	1097	102	3.1	9.3	DRG
32461	Mnf/prod/atmpt to mnf/prod > 5 grms marij or any cr	195.211	A	MED	29	5	11.4	17.2	DRG
32463	Dist/del/manf/prod or atmpt to or poss w/intent to di	195.211	A	HIGH	273	43	13.6	15.8	DRG
32465	Dist/del/manf/produce or attempt to or possess w/int	195.211	B	MED	15841	3025	7.6	19.1	DRG
32470	Distributing or delivering not more than 5 grams mar	195.211	C	HIGH	999	146	4.5	14.6	DRG
32475	Distributing controlled substance to a minor	195.212	B	MED	64	7	9.3	10.9	DRG
32480	Purchasing or transporting controlled substance with	195.213	B	LOW	10	1	6.0	10.0	DRG
32482	Unlawful endangerment of property - physical injury	195.219	B	LOW	1	0	-	-	DRG
32483	Unlawful endangerment of property	195.219	C	LOW	2	0	-	-	DRG
32485	Distributing controlled substance near schools	195.214	A	HIGH	439	62	13.7	14.1	DRG
32486	Distribution of a controlled substance near public ho	195.218	A	MED	154	27	11.7	17.5	DRG
32487	Provide reagents, solvents or precursor materials to	195.226	D	HIGH	41	12	3.3	29.3	DRG
32490	Trafficking in drugs/attempt to traffic in drugs - 1st d	195.222	A	HIGH	370	166	12.9	44.9	DRG
32492	Trafficking in drugs/attempt to traffic in drugs - 1st d	195.222	A	LOW	11	0	-	-	DRG
32495	Trafficking in drugs/attempt to traffic in drugs - 2nd d	195.223	A	MED	1256	222	11.7	17.7	DRG
32497	Trafficking in drugs/attempt to traffic in drugs - 1st d	195.222	A	HIGH	6	1	30.0	16.7	DRG
32500	Trafficking in drugs/attempt to traffic in drugs - 2nd d	195.223	B	HIGH	2791	569	7.9	20.4	DRG
32506	Unlawful use of drug paraphernalia - amphetamine/r	195.233	D	MED	564	138	3.5	24.5	DRG
32510	Deliver (sell), possess w/int to del (sell), manufacture	195.235	D	MED	325	77	3.3	23.7	DRG
32520	Delivery or manufacture of imitation controlled subs	195.242	D	MED	319	56	3.2	17.6	DRG

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
32526	Poss any methamphetamine precursor drug w/intent	195.246	D	MED	969	243	3.5	25.1	DRG
32527	Appropriate material < \$150 w/intent to manf, compnd	570.030	D	HIGH	17	5	3.6	29.4	DRG
32528	Market-sell-dist-advertise or label any drug prod con	195.248	D	LOW	7	0	-	-	DRG
32529	Approp material < \$500 w/intent to manf, compnd, p	570.030	D	HIGH	7	4	4.0	57.1	DRG
32530	Distributing a controlled substance in violation of reg	195.252	D	LOW	4	0	-	-	DRG
32531	Appropriate material less than \$500 with intent to ma	570.030	C	HIGH	8	2	4.0	25.0	DRG
32533	Approp material <\$500 w/intent to manf, compnd, pr	570.030	D	MED	1	1	2.0	100.0	DRG
32534	Approp material <\$500 w/intent to manf, compnd, pr	570.030	C	LOW	1	0	-	-	DRG
32540	Unlawful delivery of controlled substance by manufa	195.254	D	MED	87	6	3.7	6.9	DRG
32545	Unlawful use of trademark in manufacture or deliver	195.256	D	LOW	15	0	-	-	DRG
32550	Failure to obtain proper ID/make report of drug trans	195.400	D	LOW	10	0	-	-	DRG
32560	Furnishing or receiving controlled substance without	195.405	D	LOW	7	1	3.0	14.3	DRG
32565	Create controlled substnc/convert, prod, process, pr	195.420	D	HIGH	9	3	3.7	33.3	DRG
32566	Poss chem w/intent to mnf,comp,convt,prod,procs, p	195.420	C	HIGH	1213	345	4.6	28.4	DRG
32568	Manf/whlesalr fail to rppt suspicious trans of meth pr	195.515	D	MED	2	1	2.0	50.0	DRG
32570	Receipt of drugs from unlicensed distributor or pharr	338.315	D	LOW	1	0	-	-	DRG
32581	Acted as wholesale drug or pharmacy distributor with	338.333	C	LOW	1	0	-	-	DRG
32591	Sale of drugs by out-of-state distributor without licen	338.340	C	LOW	5	0	-	-	DRG
32610	Possession of anhydrous ammonia in a non-approved	578.154	D	HIGH	118	44	3.3	37.3	DRG
32645	Any person not owner/not in lawful control of apprvd	577.075	B	MED	2	1	7.0	50.0	DRG
33285	Selling liquor without payment of additional revenue	311.550	D	LOW	6	1	2.0	16.7	NVI
33350	Delivery or possession of liquor at a correctional fac	217.360	D	LOW	4	1	1.0	25.0	NVI
33355	Deliver/attempt to deliver/poss/dep/conceal alkaloid	217.360	D	MED	1	1	2.0	100.0	NVI
33365	Delivery or possession of alcohol or spirituous or ma	221.111	D	MED	11	4	2.5	36.4	NVI
34015	Making a false bomb report	575.090	D	HIGH	47	5	3.6	10.6	NVI
34022	Invasion of privacy of multiple individuals - 2nd degr	565.253	D	LOW	7	0	-	-	NVI
34026	Invasion of privacy - previously plead guilty or found	565.253	D	LOW	1	0	-	-	NVI
34055	Harassment motivated by discrimination to frighten c	557.035	D	HIGH	3	1	4.0	33.3	VIO
34074	Make terrorist thrt w/reckls disrgrd of rsk of, caus ev	574.115	D	LOW	2	0	-	-	VIO
34110	Ethnic intimidation - 2nd degree	574.093	D	LOW	2	0	-	-	VIO
34210	Aggravated stalking- 2nd ofns	565.225	C	LOW	5	1	4.0	20.0	VIO
34220	Aggravated stalking- 1st ofns or stalking 2nd ofns	565.225	D	MED	87	17	2.8	19.5	VIO
35080	Committing class one election ofns	115.631	D	LOW	6	0	-	-	NVI
36006	Knowingly infect another with HIV by being a blood,	191.677	A	MED	2	1	30.0	50.0	VIO
36007	Recklessly infect another with HIV when actor is kno	191.677	A	LOW	1	0	-	-	VIO
36009	Recklessly risk infection of another w/HIV when acto	191.677	B	MED	9	6	8.7	66.7	VIO
36048	Abandonment of a corpse	194.425	D	HIGH	10	3	3.7	30.0	NVI
36190	Recklessly risk infection of another with HIV	191.677	D	HIGH	11	6	4.0	54.5	NVI
36200	Dog fighting	578.025	D	LOW	9	0	-	-	NVI
36310	Abuse, neglect or misappropriation of client property	197.266	D	LOW	1	0	-	-	NVI
36322	Elder abuse - 1st degree	565.180	A	LOW	6	1	15.0	16.7	VIO
36324	Elder abuse - 2nd degree	565.182	B	LOW	1	0	-	-	VIO
36340	Viol involving health care pymt-2nd ofns-abuse of he	191.905	C	LOW	1	0	-	-	NVI
36341	Violations involving health care payment/s - 1st ofns	191.905	D	HIGH	6	1	4.0	16.7	NVI
36400	Providing false information to vital records	193.315	D	LOW	2	0	-	-	NVI
36545	Animal abuse/torture/mutilation while animal was ali	578.012	D	HIGH	42	6	4.7	14.3	NVI
36600	Knowingly disturb-destroy-remove-vandalize-damag	194.410	D	LOW	2	0	-	-	NVI
36801	Keeping or maintaining a public nuisance for crimina	578.433	C	LOW	9	1	2.0	11.1	NVI
36967	Unlawful practice of midwifery	334.010	C	LOW	1	0	-	-	NVI
37005	With intent to defraud, willfully failed to make a sales	144.480	D	LOW	63	5	2.4	7.9	NVI
37008	Employer, w/intent to defraud, willfully failed to file r	143.221	D	LOW	10	0	-	-	NVI
37013	With intent to defraud, willfully failed to make a sales	144.480	D	LOW	2	0	-	-	NVI
37015	Failure to file a Missouri income tax return	143.931	D	LOW	27	0	-	-	NVI
37025	Filing a false Missouri income tax return	143.941	D	HIGH	11	4	3.3	36.4	NVI
37060	Filing false sales tax return	144.490	D	LOW	3	0	-	-	NVI
37080	Attempting to evade or defeat income tax	143.911	D	LOW	3	0	-	-	NVI
37090	Failure to collect or pay over income tax	143.921	C	MED	6	1	5.0	16.7	NVI
37103	Land trust employee/trustee receiving compensation	141.810	D	LOW	2	0	-	-	NVI
39260	Sale of wildlife taken in violation of department of co	252.235	C	LOW	1	0	-	-	NVI
39265	Sale of wildlife taken in violation of MDC regs - 1st/s	252.235	C	LOW	1	0	-	-	NVI
46004	Oper comm mtr veh using spec fuel on interstate w/	142.422	D	LOW	1	0	-	-	NVI
46609	Operated vehicle on hwy without valid license - 3rd a	302.020	D	MED	243	38	2.9	15.6	NVI
46611	Oper mtr veh on hwy while driver lic/priv revoked (re	302.321	D	MED	34	11	2.4	32.4	NVI
46613	Operated motorcycle when driver's license not valid	302.020	D	MED	13	1	3.0	7.7	NVI
46616	Oper mtr veh on hwy w/driver lic/priv revoked (revok	302.321	D	MED	10	2	3.0	20.0	NVI
46681	Operated motor vehicle on hwy while driver license/	302.321	D	LOW	148	32	2.8	21.6	NVI
46682	Operated mtr veh on hwy while driver's license/priv	302.321	D	HIGH	218	77	3.1	35.3	NVI
46683	Oper motor vehicle on hwy while driv license/priv re	302.321	D	LOW	317	77	2.6	24.3	NVI
46684	Driving while revoked (suspended for stealing motor	302.321	D	LOW	29	5	2.4	17.2	NVI

Charge Code	Offenses Description	RSMO	Class	Offense Severity	Sentence Count	of which prison	Avg. Sent. (Yrs)	Pct. Prison	Offense Group
46685	Oper motor vehicle on hwy while driv license/priv re	302.321	D	HIGH	10	1	5.0	10.0	NVI
46687	Oper mtr veh on hwy while driv license/priv revkd (s	302.321	D	HIGH	3	1	3.0	33.3	NVI
46689	Oper motor vehicle on hwy while driv license/priv re	302.321	D	MED	1156	328	2.8	28.4	NVI
46691	Oper motor vehicle on hwy while driv license/priv re	302.321	D	HIGH	20	2	3.5	10.0	NVI
46692	Oper mtr veh on hwy while driver license/privilege re	302.321	D	LOW	46	8	2.9	17.4	NVI
46693	Oper mtr veh while driv lic/priv revkd (suspnd or rev	302.321	D	MED	3	2	2.5	66.7	NVI
46694	Oper mtr veh on hwy while driver lic/priv revkd (susp	302.321	D	LOW	10	2	2.5	20.0	NVI
46695	Oper mtr veh on hwy while driv lic/priv revkd (suspnd	302.321	D	LOW	8	1	2.0	12.5	NVI
46697	Oper mtr veh on hwy while driv lic/priv revkd (suspnd	302.321	D	LOW	20	5	2.6	25.0	NVI
47410	DWI - alcohol - persistent offender	577.010	D	MED	12967	2993	3.4	23.1	DWI
47417	DWI - alcohol - chronic offender	577.010	B	MED	152	104	7.0	68.4	NVI
47418	DWI - alcohol - aggravated offender	577.010	C	HIGH	391	152	4.6	38.9	NVI
47427	DWI - drug intoxication - aggravated offender	577.010	C	LOW	8	1	4.0	12.5	NVI
47430	DWI - drug intoxication - persistent offender	577.010	D	MED	122	24	3.5	19.7	DWI
47443	DWI - combined alcohol/drug intoxication - chronic c	577.010	B	MED	9	5	6.2	55.6	NVI
47447	DWI - combined alcohol/drug intoxication - aggravated	577.010	C	HIGH	16	7	5.0	43.8	NVI
47450	DWI - combined alcohol/drug intoxication - persistent	577.010	D	MED	401	29	3.3	7.2	DWI
47467	Excessive BAC - aggravated offender	577.012	C	LOW	2	0	-	-	NVI
47470	Excessive BAC - persistent offender	577.012	D	MED	86	8	3.5	9.3	DWI
48865	Leaving scene of motor vehicle accident--injury, prop	577.060	D	MED	1694	313	3.3	18.5	NVI
48867	Leaving scene of ATV accident--death or 2nd ofns	577.065	D	LOW	7	0	-	-	NVI
51050	Bribery of a public servant	576.010	D	LOW	2	0	-	-	NVI
54028	Failure to complete and submit offender registration	589.400	D	LOW	5	0	-	-	NVI
54029	Failure of offender to inform chief law enforcement o	589.414	D	HIGH	1	1	5.0	100.0	NVI
54045	Knowingly cause the death or disablement of a polic	575.335	D	LOW	1	0	-	-	NVI
54076	Violation of any provision of Sec 443.805 - 443.812	443.810	C	LOW	1	0	-	-	NVI
54156	Fail to complete and submit offender registration for	589.425	D	HIGH	12	7	3.4	58.3	NVI
54158	Include false info in offndr registration statement-2nd	589.425	D	HIGH	2	2	3.0	100.0	NVI
54161	Fail to timely verify info made in statement for offen	589.425	D	LOW	1	0	-	-	NVI
54163	Fail of offender to inform chief law enfcmnt ofcr of ne	589.425	D	MED	6	4	2.8	66.7	NVI
54166	Failure of offndr to inform chief law enfcmnt ofcr of c	589.425	D	MED	2	1	2.0	50.0	NVI
54205	Leaving the scene of a vessel accident- physical inju	306.141	D	LOW	1	0	-	-	NVI
54310	Operation of a watercraft while intoxicated - 3rd/subs	306.111	D	MED	3	1	5.0	33.3	DWI
54820	Knowingly/recklessly alter cigarettes pkg and/or sell/	149.200	D	LOW	1	0	-	-	NVI
55250	Unlawfully engage in the bail bonds business-2nd/su	18U.SC47	D	LOW	2	0	-	-	NVI
55261	Unlawfully engage in the bail bonds business-2nd/su	7U.S.C202	D	LOW	1	0	-	-	NVI
55290	Unlawfully engage in the bail bonds business-2nd/su	18U.SC17	D	LOW	1	0	-	-	NVI
55350	Unlawfully engage in the bail bonds business-2nd/su	21U.SC84	D	LOW	2	0	-	-	DRG
57080	Illegal wiretapping in violation of Sec 542.402	542.402	D	LOW	1	0	-	-	NVI
57100	Invasion of privacy - 1st degree	565.252	D	LOW	3	0	-	-	NVI
57115	Invasion of privacy-previously plead guilty or found g	565.253	D	HIGH	1	1	4.0	100.0	NVI
57125	Invasion of privacy of multiple individuals - 2nd degr	565.253	D	HIGH	10	2	4.0	20.0	NVI
58001	Making a false bomb report	575.090	D	LOW	21	4	2.8	19.0	NVI
58010	Making a terrorist threat	574.115	C	LOW	5	0	-	-	VIO
58020	Make terrorist thrt w/reckls disrgrd of rsk of caus eva	574.115	D	HIGH	4	2	3.5	50.0	VIO
64001	Sexual exploitation of a minor child	573.023	A	LOW	2	1	12.0	50.0	SEX
64005	Sexual exploitation of a minor	573.023	B	LOW	4	0	-	-	SEX
64010	Enticement of a child-previously plead guilty or foun	566.151	B	MED	1	1	7.0	100.0	SEX
64013	Enticement of a child (actor 21 yrs of age or older an	566.151	C	HIGH	2	1	6.0	50.0	SEX
64015	Enticement of child (actor 21 yrs of age or older and	566.151	C	HIGH	18	10	5.1	55.6	SEX
64020	Attempt to entice a child (actor 21 yrs or older and c	566.151	D	MED	7	1	4.0	14.3	SEX

## **APPENDIX B**

### **RECOMMENDED SENTENCES MATRICES**

The following pages contain the individual sentencing matrix for each of the five offense groups.

## RECOMMENDED SENTENCES - VIOLENT OFFENSES

### CLASS A FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		73.1%	85.0%	91.1%	95.2%	93.3%
<i>Ave. Prison Sentence</i>		18.6	18.7	20.1	19.7	20.1
Offense Severity	<b>High *</b>					
	Mitigating	CSS	10	15	20	25
	Presumptive	15	20	20	25	30
	Aggravating	25	25	25	30	30
	<b>Medium</b>					
	Mitigating	CSS	Shk/Trt	10	15	20
	Presumptive	10	12	15	20	25
	Aggravating	14	16	20	25	30
	<b>Low</b>					
	Mitigating	Probation	Shk/Trt	10	12	15
	Presumptive	Shk/Trt	10	12	15	17
	Aggravating	12	14	15	17	20

\* Excludes Murder 1st Degree

### CLASS B FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		42.3%	65.3%	72.8%	77.2%	79.4%
<i>Ave. Prison Sentence</i>		8.8	8.9	8.8	8.7	8.7
Offense Severity	<b>High</b>					
	Mitigating	CSS	Shk/Trt	6	8	10
	Presumptive	6	7	8	10	12
	Aggravating	8	9	10	12	15
	<b>Medium</b>					
	Mitigating	Probation	CSS	Shk/Trt	7	9
	Presumptive	CSS	Shk/Trt	7	9	11
	Aggravating	5	7	9	11	12
	<b>Low</b>					
	Mitigating	Probation	CSS	Shk/Trt	5	7
	Presumptive	CSS	Shk/Trt	5	7	8
	Aggravating	5	5	7	8	10

### CLASS C FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		19.2%	37.4%	55.1%	55.8%	62.1%
<i>Ave. Prison Sentence</i>		5.0	4.9	4.8	4.7	4.6
Offense Severity	<b>High</b>					
	Mitigating	Probation	Probation	Shk/Trt	3	5
	Presumptive	CSS	Shk/Trt	4	5	7
	Aggravating	3	4	5	7	7
	<b>Medium</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	4
	Presumptive	CSS	CSS	Shk/Trt	4	5
	Aggravating	3	3	4	5	7
	<b>Low</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	Probation	CSS	Shk/Trt	3	4
	Aggravating	3	3	3	4	6

### CLASS D FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		14.3%	34.5%	44.4%	40.0%	50.0%
<i>Ave. Prison Sentence</i>		3.5	2.9	2.8	3.4	5.0
Offense Severity	<b>High</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	CSS	CSS	Shk/Trt	3	4
	Aggravating	2	2	3	4	4
	<b>Medium</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	CSS	CSS	Shk/Trt	2	3
	Aggravating	2	2	2	3	4
	<b>Low</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	CSS	CSS	Shk/Trt	2	2
	Aggravating	2	2	2	2	3

## RECOMMENDED SENTENCES - SEX AND CHILD ABUSE OFFENSES

### CLASS A FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		70.0%	89.4%	92.8%	94.4%	94.1%
<i>Ave. Prison Sentence</i>		14.8	15.0	18.3	16.9	18.5
Offense Severity	<b>High</b>					
	Mitigating	CSS	10	15	20	25
	Presumptive	12	15	20	25	30
	Aggravating	20	23	25	30	30
	<b>Medium</b>					
	Mitigating	CSS	CSS	10	15	20
	Presumptive	10	12	15	20	25
	Aggravating	15	17	20	25	30
	<b>Low</b>					
	Mitigating	CSS	CSS	10	12	15
	Presumptive	CSS	10	12	15	20
	Aggravating	10	12	15	20	25

### CLASS B FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		55.8%	82.4%	81.8%	70.6%	80.0%
<i>Ave. Prison Sentence</i>		9.0	8.9	8.3	8.0	9.5
Offense Severity	<b>High</b>					
	Mitigating	CSS	Shk/Trt	7	8	10
	Presumptive	6	7	8	10	15
	Aggravating	9	10	12	15	15
	<b>Medium</b>					
	Mitigating	CSS	Shk/Trt	6	7	8
	Presumptive	5	6	7	8	10
	Aggravating	8	9	10	10	15
	<b>Low</b>					
	Mitigating	Probation	CSS	5	6	7
	Presumptive	CSS	Shk/Trt	6	7	8
	Aggravating	5	6	8	10	12

### CLASS C FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		25.3%	45.7%	61.8%	65.0%	70.6%
<i>Ave. Prison Sentence</i>		5.3	5.2	4.9	4.9	5.2
Offense Severity	<b>High</b>					
	Mitigating	Probation	CSS	Shk/Trt	3	5
	Presumptive	CSS	CSS	4	5	6
	Aggravating	3	4	5	6	7
	<b>Medium</b>					
	Mitigating	Probation	Probation	Shk/Trt	2	4
	Presumptive	CSS	CSS	3	4	5
	Aggravating	3	3	4	5	6
	<b>Low</b>					
	Mitigating	Probation	Probation	Shk/Trt	2	3
	Presumptive	CSS	CSS	2	3	4
	Aggravating	3	3	3	4	5

### CLASS D FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>						
<i>Percent Prison Disposition</i>		14.1%	28.3%	47.2%	46.7%	57.9%
<i>Ave. Prison Sentence</i>		3.6	3.9	3.4	3.3	3.9
Offense Severity	<b>High</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	4
	Presumptive	CSS	CSS	Shk/Trt	4	4
	Aggravating	2	2	3	4	4
	<b>Medium</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	CSS	CSS	Shk/Trt	2	3
	Aggravating	2	2	2	3	4
	<b>Low</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	2	2
	Aggravating	2	2	2	2	3

## RECOMMENDED SENTENCES - NON-VIOLENT OFFENSES

### CLASS A FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>			<i>Insufficient data</i>			
<b>Offense Severity</b>	<b>High</b>					
	Mitigating	Probation	CSS	Shk/Trt	10	12
	Presumptive	CSS	Shk/Trt	12	14	15
	Aggravating	Shk/Trt	12	13	15	20
	<b>Medium</b>					
	Mitigating	Probation	CSS	Shk/Trt	10	12
	Presumptive	CSS	Shk/Trt	12	14	15
	Aggravating	Shk/Trt	12	13	15	20
	<b>Low</b>					
	Mitigating	Probation	CSS	Shk/Trt	10	12
	Presumptive	CSS	Shk/Trt	12	14	15
	Aggravating	Shk/Trt	12	13	15	20

### CLASS B FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>		12.1%	32.6%	54.4%	58.6%	56.5%
		7.3	7.3	7.7	8.8	9.2
<b>Offense Severity</b>	<b>High</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	8
	Presumptive	CSS	CSS	Shk/Trt	8	10
	Aggravating	Shk/Trt	6	8	10	12
	<b>Medium</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	8
	Presumptive	CSS	CSS	Shk/Trt	8	10
	Aggravating	Shk/Trt	5	8	10	12
	<b>Low</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	6
	Presumptive	Probation	CSS	Shk/Trt	6	8
	Aggravating	CSS	5	6	8	10

### CLASS C FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>		7.6%	31.6%	51.4%	58.3%	64.7%
		4.0	4.2	4.3	4.4	4.6
<b>Offense Severity</b>	<b>High</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	5
	Presumptive	Probation	CSS	Shk/Trt	5	6
	Aggravating	CSS	Shk/Trt	5	6	7
	<b>Medium</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	Probation	CSS	Shk/Trt	3	4
	Aggravating	CSS	Shk/Trt	3	5	6
	<b>Low</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	2	3
	Aggravating	CSS	Shk/Trt	2	3	5

### CLASS D FELONIES

		Prior Criminal History				
		Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>		5.2%	18.2%	33.8%	36.9%	45.2%
		3.1	3.2	3.2	3.1	3.2
<b>Offense Severity</b>	<b>High</b>					
	Mitigating	Probation	Probation	CSS	CSS	3
	Presumptive	Probation	CSS	CSS	Shk/Trt	4
	Aggravating	CSS	Shk/Trt	Shk/Trt	2	4
	<b>Medium</b>					
	Mitigating	Probation	Probation	CSS	CSS	2
	Presumptive	Probation	CSS	CSS	Shk/Trt	2
	Aggravating	CSS	Shk/Trt	Shk/Trt	2	3
	<b>Low</b>					
	Mitigating	Probation	Probation	CSS	CSS	2
	Presumptive	Probation	Probation	CSS	Shk/Trt	2
	Aggravating	CSS	CSS	Shk/Trt	2	3

## RECOMMENDED SENTENCES - DRUG OFFENSES

### CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>					
<i>Percent Prison Disposition</i>	11.1%	19.3%	38.9%	50.9%	52.7%
<i>Ave. Prison Sentence</i>	12.5	11.7	12.9	12.4	13.3
<b>Offense Severity</b>	<b>High</b>				
	Mitigating	Probation	Probation	Shk/Trt	10
	Presumptive	Probation	CSS	10	13
	Aggravating	Shk/Trt	10	13	20
	<b>Medium</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	10
	Aggravating	Shk/Trt	Shk/Trt	10	13
	<b>Low</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	10
	Aggravating	CSS	Shk/Trt	10	12

### CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>					
<i>Percent Prison Disposition</i>	8.3%	23.3%	42.3%	46.9%	49.4%
<i>Ave. Prison Sentence</i>	7.3	7.4	7.9	8.1	8.4
<b>Offense Severity</b>	<b>High</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	10
	Aggravating	Shk/Trt	Shk/Trt	10	12
	<b>Medium</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	8
	Aggravating	Shk/Trt	Shk/Trt	8	10
	<b>Low</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	6
	Aggravating	CSS	Shk/Trt	6	7

### CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>					
<i>Percent Prison Disposition</i>	4.3%	18.9%	39.6%	46.4%	52.3%
<i>Ave. Prison Sentence</i>	4.1	4.2	4.2	4.3	4.2
<b>Offense Severity</b>	<b>High</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	5
	Aggravating	CSS	Shk/Trt	4	6
	<b>Medium</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	3
	Aggravating	CSS	Shk/Trt	3	4
	<b>Low</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	2
	Aggravating	CSS	Shk/Trt	2	3

### CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i>					
<i>Percent Prison Disposition</i>	5.4%	25.6%	46.4%	60.7%	51.5%
<i>Ave. Prison Sentence</i>	3.3	3.5	3.4	3.4	3.3
<b>Offense Severity</b>	<b>High</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	2
	Aggravating	CSS	Shk/Trt	2	3
	<b>Medium</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	2
	Aggravating	CSS	Shk/Trt	2	2
	<b>Low</b>				
	Mitigating	Probation	Probation	CSS	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	Shk/Trt
	Aggravating	CSS	Shk/Trt	2	2

## RECOMMENDED SENTENCES - DWI OFFENSES

For all cases where a community- based sentence is recommended, the commission recommends referral to a drug court where available and where the offender is eligible.

### CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>					
	<i>No Available data</i>				
<b>High</b>					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10
<b>Medium</b>					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10
<b>Low</b>					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10

### CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>	55.6%	53.3%	70.1%	69.0%	73.5%
	7.0	5.9	7.0	7.2	6.9
<b>High</b>					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10
<b>Medium</b>					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10
<b>Low</b>					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10

### CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>	22.2%	26.9%	48.5%	59.7%	61.1%
	4.5	4.6	4.9	4.5	4.4
<b>High</b>					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7
<b>Medium</b>					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7
<b>Low</b>					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7

### CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY00-FY07</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>	8.1%	22.9%	46.7%	51.3%	53.8%
	3.0	3.4	3.5	3.5	3.5
<b>High</b>					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4
<b>Medium</b>					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4
<b>Low</b>					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4